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ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM AND THE SABINE NATIONAL FOREST LAND CONVEYANCE

HEARING

BEFORE THE

SUBCOMMITTEE ON
SOIL AND WATER CONSERVATION,
FORESTRY, AND ENVIRONMENT

OF THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

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ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM AND THE SABINE NATIONAL FOREST LAND CONVEYANCE

THURSDAY, MAY 24, 1984

U.S. SENATE, SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 328-A, Russell Senate Office Building, Hon. Roger W. Jepsen (chairman of the subcommittee), presiding.

Present: Senator Jepsen.

STATEMENT OF HON. ROGER W. JEPSEN, A U.S. SENATOR FROM IOWA

Senator JEPSEN. I would like to take this opportunity to welcome several of my distinguished colleagues and other witnesses to this hearing today to receive testimony concerning wilderness bills for Texas, Tennessee, and Pennsylvania.

As you know, pending immediate consideration in the Senate are four wilderness bills, one each for New Hampshire, North Carolina, Vermont, and Wisconsin. All of these measures were reported out of the Committee on Agriculture, Nutrition, and Forestry, and have been followed with keen interest by many.

The effort and timeliness with which these bills were subject to the legislative process, demonstrates the good intentions of this committee, the chairman, and myself, to see that all wilderness bills under the jurisdiction of this committee are considered in a timely and responsible manner.

Now that the compromise on release language for these wilderness bills has been accomplished, I feel that we will be able to complete work on the remaining wilderness bills in this session of Congress.

On the order of our hearing this morning, I propose that all of the Members who would like to testify, do so now if they wish. Then we will proceed with testimony from the administration and then the three State panels: Texas, Tennessee, and Pennsylvania.

After the Pennsylvania panel, we will also hear from witnesses concerning S. 1754, a bill to convey certain U.S. Forest Service lands to the Sabine River Authority. I understand that the administration will also address this measure today.

At this time, I would like to invite Hon. Arlen Specter, a U.S. Senator from Pennsylvania, Hon. John Heinz, a U.S. Senator from

Pennsylvania, if you will take a seat up here, gentlemen, and Hon. William F. Clinger, a Representative in Congress for the Third District of Pennsylvania. First of all, I would like to welcome the three of you very distinguished Representatives and Senators from Pennsylvania, my longtime good friends. Welcome to this hearing.

Your written testimony will be entered into the record, therefore, you may summarize your statements. In fact if it meets with your approval, the Chair would prefer that you do. You may proceed, however, in any way that you wish, knowing that your testimony will be entered in the record.[1]

The Chair recognizes the senior Senator from Pennsylvania, Senator Heinz.

STATEMENT OF HON. JOHN HEINZ, A U.S. SENATOR FROM PENNSYLVANIA

Senator HEINZ. Mr. Chairman, I ask unanimous consent that my entire statement be placed in the record.

Mr. Chairman, first let me commend you and——

Senator JEPSEN. Excuse me, Senator, we need to speak directly into the microphones.

Senator HEINZ. Mr. Chairman, first let me commend you and your subcommittee, and, indeed, the full committee, for acting so promptly and expeditiously on these wilderness designations and the legislation to effect them. We in the Senate may not, in this particular instance, have moved quite as quickly on the Allegheny National Forest Wilderness bill, but that is due to the extraordinary efforts of Bill Clinger who has joined us in this body today. I would be remiss if, at the outset, I did not commend Bill who has worked on this issue for as long as he has been in the House, which has been since 1977. He has worked with every interest group even remotely connected with the Allegheny National Forest.

One tends to think of these wilderness issues as being between the environmentalists and the Sierra Club, on the one hand, and maybe the timber and extraction industry on the other. But, as Bill can tell you, and as I can tell you, having had the opportunity to work with him, while those certainly are major players, there are off road vehicle people; there are a variety of recreational interests, and the list is much longer than one might expect. Bill Clinger has spent countless, not hours, not days, but countless weeks and months in devising this. He has not only successfully, I think, reconciled through careful balancing all those interests, but he has gotten broad bipartisan support in the House, not just in the Pennsylvania congressional delegation, which, in itself, is no mean feat at times, but his bill, which is cosponsored by Congressman Kostmayer, has passed the House overwhelmingly, only 28 having voted against it. And it is my hope that we can do a lot better in the Senate. I hope we can get it passed with no votes against it.

Let me make just one comment about why the Clinger-Specter-Heinz bill is so important. It, as I am sure Bill will make clear, on the one hand designates about 9,400 acres, the Hickory Creek area, plus seven islands in the Allegheny River, as wilderness, and

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[1] See p. 38 for the prepared statement of Senator Heinz; p. 39 for the prepared statement of Senator Specter; and p. 49 for the prepared statement of Representative Clinger.

places some 22,000 to 23,000 acres in a national recreation area. This multiple-use designation will tremendously enhance the utilization of part of the Allegheny National Forest and preserve it for a variety very good uses involving the use of those 23,000 acres for scenic/recreational and other highly desirable purposes.

While we have 11½ million Pennsylvanians, and this is our only national forest and will be our only wilderness area in our State.

This bill is not just for Pennsylvanians, Pennsylvania is called the Keystone State for good reason. We are at the hub of New England on the one hand and the Midwest on the other, and it is literally true that the Allegheny National Forest is a 1-day's drive for 40 percent of the people in the United States and, for all practical intents and purposes, it is the only area of similar recreational quality that will be available to them. There is no national forest in Ohio; there is nothing comparable in New York State. And, as a result, this legislation, which will end years of controversy surrounding the land management of the Allegheny National Forest, is going to create not just for Pennsylvanians, but for 100 million Americans, a major environmental, recreational, and multiple-use resource of a quality that we have not seen or had a chance to have before.

Having said that, Mr. Chairman, I want to end by commending you for your leadership in this area. I am confident the other witnesses will bring to the attention of the committee why we believe action on this legislation is so important, not just for the people in our State who support it overwhelmingly, but for the people in so many other States. We will welcome anyone from Iowa, Mr. Chairman, who feels that the Allegheny National Forest is closer than the Rocky Mountains or Badlands National Park or anything like that. So we hope to see you over there from time to time. Any of us would be delighted to give you a tour.

Senator JEPSEN. I thank you, Senator.

Senator Specter.

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM PENNSYLVANIA

Senator SPECTER. Thank you very much, Mr. Chairman.

I thank the Chair and commend the Chair and the subcommittee for holding hearings on this very important subject. And I thank the Chair for incorporating my full statement as part of the record, and I shall make just a brief comment or two to supplement what our distinguished colleague, Senator Heinz, has had to say.

Congressman Clinger has done an outstanding job in drafting this legislation which is so very important, not only to Pennsylvania but to the Nation, and Congressman Kostmayer has played a very significant role as well, as cosponsor of this legislation.

One of the great facets of being an elected Representative in the Congress of the United States is the facet of traveling through our home States as we make our ways to contact our constituents for many purposes, to find out what is on their minds so that we can do a better job in representing the people of our own States or districts. In traveling through Pennsylvania's 67 counties, I have been

impressed and awed by the beauty of our State. This legislation is a very important step forward to preserving that beauty.

We come from a magnificent country. "America, the Beautiful" really says just about all of it. Amber waves of grain, corn is as high as an elephant's eye, in reference to Iowa, and elephants, Republicans, in maintaining the appropriate balance and appropriate measure of the height of the corn and the Republican representation from Iowa.

Senator JEPSEN. I have never seen an elephant in a cornfield.

Senator SPECTER. Well, they are there symbolically, Mr. Chairman.

Senator JEPSEN. Yes.

Senator SPECTER. There are a number of distinguished elephants who traverse the areas of the cornfields; such as, the distinguished senior Senator, Senator Jepsen, the distinguished junior Senator from Iowa, Senator Grassley. It is important to maintain our scenic beauty, and it is important, if we are to maintain our civilization, that we maintain some wilderness in our civilization. That is what would seem to be a contradiction in terms, but it is not, because wilderness provides the time for solitude and the opportunity for reflection and balance in a State like Pennsylvania which has thriving cities, formerly thriving steel mills, and hopefully to be revived, thriving coal mines. The aspect of natural beauty is very important for us to preserve.

This legislation, I think, is an excellent accommodation for preserving that scenic beauty for the conservationists and takes into account the needs for industry, and it reflects a lot of very long and hard work by Congressman Clinger, Senator Heinz, and Congressman Kostmayer, and some of the rest of us. I am pleased to be here, Mr. Chairman, to support it today, and urge prompt affirmative action by the subcommittee, the committee and later by the Senate and full Congress.

Senator JEPSEN. I thank you, Senator.

Congressman Clinger.

STATEMENT OF HON. WILLIAM F. CLINGER, JR., A REPRESENTATIVE IN CONGRESS FROM THE THIRD DISTRICT OF PENNSYLVANIA

Mr. CLINGER. Thank you very much, Mr. Chairman.

I appreciate very much the opportuni. to appear before you today to testify in behalf of the Allegheny wilderness bill. And I certainly want to express my very deep thanks and appreciation to Senator Heinz and Senator Specter for their introducing the measure into the Senate and being so very effective in leading the bill to this point. I very much thank you for so expeditiously holding this hearing on the Allegheny wilderness bill.

Again, I thank you for allowing my statement to appear in full in the record.

I think that we have got a good compromise bill here. It is a bill that probably does not make anybody totally happy, which I think is probably the hallmark of a pretty good compromise.

I should point out the administration had indicated in the House that they had some problems with the bill. One of those problems

had to do with the release language because we had no release language in the bill that was introduced. But I think that problem has been resolved as a result of the compromise that was worked out. So I think that objection has been removed.

The other objection had to do with the designation of National Recreational Areas, which the administration felt they could handle better through the normal planning cycle of the Forest Service. But I would just point out, Mr. Chairman, that this was a critical part of the compromise that we were able to effect. Without that, we would not have been able to get all 23 Members of the Pennsylvania delegation in the House to cosponsor the bill. In my opinion, it was a critical part of the compromise.

The other thing that I would point out is that these wilderness areas are unique in one very important respect. In most areas of the country, the Federal Government owns both the surface and the subsurface rights. That is not the case in Pennsylvania. For whatever reason, when the Federal Government put together the Allegheny National Forest, they elected not to purchase the subsurface rights. So that, in fact, about 98 percent of those subsurface rights are owned by third parties, private parties. That is the reason we have provided in this bill an authorization for $2 million to purchase the subsurface rights underneath the designated wilderness areas, 9,400 acres of the Hickory Creek and the Allegheny River islands. It seemed to us there was an absolute inconsistency between the designation of wilderness and having oil and gas, operations going on simultaneously.

The administration, I might point out, has no objection, in fact, supports the appropriation for the $2 million to purchase the oil, gas, and mineral rights under the 9,400 acreas of Hickory Creek and the islands. But I did want to point out that that is a unique characteristic of this bill because we did have to make some accommodation for the purchase of oil, gas and mineral rights in order to ensure a true wilderness experience.

So I am delighted that you are holding this hearing. I hope you will find, as we did in the House, that it does represent a good compromise and one that will ensure the preservation of a substantial area to provide the kind of wilderness and recreational opportunities that Senator Heinz and Senator Specter have spoken about to the literally millions of people who will be within very close proximity to this area. I hope they do not all come at once. I hope we can stage it out so that we do not have 100 million people there at once. But I think it will be a real step forward and, more importantly, it will also enable the Forest Service to get on with the long-range planning for the balance of the 540,000-acre Allegheny National Forest, which has been somewhat in limbo for about the last 10 years that we have been arguing about this area. Again, I thank you very much for allowing me to come and testify this morning.

Senator JEPSEN. I thank you. I congratulate all of you.

Senator HEINZ. Mr. Chairman, might I say just one brief word——

Senator JEPSEN. Yes, sir.

Senator HEINZ [continuing]. Regarding the issue Bill Clinger has brought up about why in this wilderness area there is a separation

between the ownership of the surface and the subsurface mineral rights.

The Allegheny National Forest was once private land, owned both above and below ground by private interests. It was logged thoroughly—so thoroughly that it was considered worthless land. It was called "the briar patch," and it was sold to the Federal Government for an insignificant consideration. It is a mark of irony that, notwithstanding the fact that the forest had been cut down right to the ground, that it is now, acre-for-acre, the most valuable stand of timber, thanks to the black cherry, in the entire United States, and that its environmental, recreational value has become so high. But, of course, when the land was deeded to the Federal Government, the interests that had owned it retained, for the most part, and these have been sold and traded over the years, the subsurface mineral rights. The very modest appropriation that Bill Clinger talks about to ensure that the wilderness values are maintained is a very important part of this legislation. It is supported by the administration. You will be hearing more about that I think later on today.

Suffice it to say that we have little enough in the way of wilderness and protected scenic and recreation areas in the Eastern United States. And this legislation will be a giant step forward for all of us who appreciate the beauty and solitude of such areas.

Senator JEPSEN. I would ask from each or either one of you if you could, the question: Is the Pennsylvania delegation agreeable to the Senate-House compromise release language? Have you got unanimity?

Mr. CLINGER. Indeed, we do.

Senator JEPSEN. Excellent. With the bills that have come before this committee in the last couple of months, in my 5½ years in the Senate, I have never seen the bipartisanship, unanimity work, and cooperation. Subsequently, I think it says something because we are now predicting that this Congress will be the most important Congress in history for wilderness preservation, the number of bills. So it is kind of pleasant to be able to sit and watch that harmonious effort.

Senator HEINZ. Mr. Chairman, can we not attribute it to your excellent leadership?

Senator JEPSEN. I was hoping you would say that. [Laughter.]

I think you would be hard-pressed to do that, very factually, but I would like to believe we helped it along a little.

I thank you for your testimony. I have no further questions. We will move this with dispatch and hope that it passes quickly. Thank you.

Congratulations for your good work.

The Chair would now invite the very distinguished Senator Lloyd Bentsen, a U.S. Senator from Texas; Hon. Steve Bartlett, Representative in Congress from the Third District of Texas, and Hon. John Bryant, Representative in Congress from the Fifth District of Texas.

I welcome you to this hearing. I would advise you that your written testimony will be entered into the record. You may, therefore,

proceed in any manner you so desire. The Chair recognizes first Senator Bentsen.[1]

STATEMENT OF HON. LLOYD BENTSEN, A U.S. SENATOR FROM TEXAS

Senator BENTSEN. The Texas wilderness bill, that is S. 2598 in the Senate and H.R. 3788 in the House, enjoys very broad support from the entire Texas delegation and from the Governor of Texas. This legislation is also supported by a very wide range of environmental groups, sportsmen's groups, and others who care very deeply about preserving the natural resources that really make east Texas a unique and beautiful area.

This bill was introduced in the House by my good and able friend, John Bryant. He joins me here today in testifying for this particular piece of legislation. He is new to the House. He played a very key role in developing this compromise bill and shepherding it through the House, where it was passed by a voice vote.

I also want to recognize Ned Fritz who has been a long-dedicated, stalwart supporter of efforts on conservation. He is here in the audience. I assume he will be testifying later on.

This legislation will designate about 34,000 acres of Federal land as components of the National Wilderness Preservation System and, therefore, it will ensure that they remain unspoiled for the enjoyment of future generations.

These five areas, Big Slough, Little Lake Creek and Turkey Hill, Upland Island, Indian Mounds, are spectacular representatives of the beauty and diversity of the ecosystems in the National Forest of east Texas. There are lots of folks that think that Texas is represented by what they see on "Dallas," its wide plains, and not much in the way of forestry. But east Texas is strikingly different. There is not going to be any cost to the taxpayers in this bill since almost all of these lands are already owned by the Federal Government.

Temple-Eastex, Inc., the owner of the private lands which were needed for this bill, has consented to exchange these lands for a similar amount of Federal lands which are of comparable value. Now, this exchange has been included in the legislation in order that we can expedite the exchange and avoid some of the hassle amongst the agencies.

This bill has been a long time in the making. The preservation of these unique and unspoiled areas in this legislation makes it all the sweeter for all the work that went into it.

Mr. Chairman, I also appreciate your consideration in adding to the hearing agenda S. 1754, and that is a bill to transfer certain Forest Service lands to the Sabine River Authority, which is a State agency. All the Senators from the two States involved, Senator Tower from Texas; Senator Long and Senator Johnson from Louisiana, joining together in this effort. I am pleased to present to you as a witness on this bill, who will be testifying later, an old friend of mine, the very able executive vice president and general manager of the Sabine River Authority of Texas, Sam Collins. Sam and the other witnesses on this bill will be able to answer fully any

[1] See p. 41 for the prepared statement of Senator Bentsen.

detailed questions which you might have on the legislation, and the need for it.

Before I leave that task to them, I want to make just a few remarks about the bill. The Federal Government is now in a position of penalizing the States of Texas and Louisiana for having used their own resources, their own money, initiative, and efforts to construct this dam. Had Texas and Louisiana used Federal funds, they would automatically have been exempt from the fees that are now causing the problem. This situation, I think, is ridiculous, because it is sending the wrong kind of a signal back to the States and the local governments, where the administration is trying to encourage these areas to be more self-reliant, and it should be resolved.

The bill, as introduced, simply transferred the ownership of the flooded Federal lands, on which a rental charge has been asked, to the Sabine River Authority. However, since that time, the U.S. Department of Agriculture has commented on the bill. The U.S. Forest Service has expressed an interest in acquiring certain lands that are now owned by the Sabine River Authority.

In response to those comments, and those inquiries, we now propose to amend the bill and make this kind of a transfer, to try to assist all of the agencies involved. By doing that, we carry out some of the directives and the comments of Secretary Block in his letter on the bill that will satisfy the USFS interest in acquiring some land, and will conform to the administration's policy of seeking comparable value when they give up or transfer Federal lands.

I see no reason why the land shouldn't be transferred, subject to the strict conditions in this bill, to the Sabine River Authority. I will be glad to work with you, Mr. Chairman, with representatives from the Department of Agriculture, to try to develop a bill that will try to meet all of those requirements.

I am joined here today by two distinguished Members of the Texas Congressional Delegation, Congressman John Bryant, Congressman Steve Bartlett, and as I mentioned earlier, Congressman John Bryant played a real lead role in developing this compromise bill in the House. Congressman Bartlett was a very effective cosponsor of the House bill and played an active role and did a good job on it.

I also note that there are several witnesses from Texas who can give more detailed comments on these bills and, hopefully, answer the questions that might arise.

Mr. Chairman, I am most appreciative of the attention you have given this particular piece of legislation. The problem I have, Mr. Chairman, is I have to testify before another committee.

Senator JEPSEN. I know what that is.

Senator BENTSEN. Forgive me, if the chairman will.

Senator JEPSEN. I thank you for your testimony, Senator. I assure you, as I indicated to the delegation from Pennsylvania, this will be handled with dispatch. As I commented just as you were coming in, I have not had, during my 5½ years in the Senate, the experience that I have had in this committee this year with the wilderness bills. They have come in with State delegations, on a bipartisan basis, indicating unanimity among those working in a true ideal tradition of the way a democracy is supposed to work. You derive your powers from the bottom up. They have been worked

out with every group in the State and ironed out and discussed and put together and they come here with both Democrats and Republicans alike enthusiastically supporting them. It has been quite a refreshing experience.

One of the reasons, as I pointed out to them, obviously, they are now predicting that this Congress will be the most important Congress for wilderness preservation in our history. That is a credit to all of you, all of your delegations and the good work and leadership you have provided. I thank you, Senator.

Senator BENTSEN. Thank you very much, Mr. Chairman.

Senator JEPSEN. I know, we have a markup in Armed Services this morning and I am supposed to be there.

Thank you.

Senator BENTSEN. Thank you, Mr. Chairman.

Senator JEPSEN. The Chair will now recognize Hon. John Bryant, a Representative in Congress from the Fifth District of Texas. You may proceed.

STATEMENT OF HON. JOHN BRYANT A REPRESENTATIVE IN CONGRESS FROM THE FIFTH DISTRICT OF TEXAS

Mr. BRYANT. Thank you, Mr. Chairman.

I will not keep you long because Senator Bentsen has covered the matter I think quite sufficiently.[1] I would just like to emphasize that this bill is the culmination of about 10 years of work on the part of civic organizations, hunting clubs, and environmental organizations in Texas.

We started out asking for 100,000 acres of wilderness, and saw that request whittled down to 65,000 acres when I introduced the bill. We have whittled it further to 34,400. It is a very small request, and all of the land is within the four national forests in east Texas and does not require any acquisitions.

I think it is very important for our State. The reason you see unanimous bipartisan approval of this bill is the fact this wilderness area is within easy driving distance of the Dallas metropolitan area on the north and the Houston metropolitan area to the south. It is accessible to the entire State.

Our great big State only has one other wilderness area, and it is way out in west Texas in the Guadalupe Mountains. It is only about 46,000 acres. I daresay the tiniest portion of our population is even aware it is there because it is so far away.

I would just point out that this area we are setting aside constitutes less than one-quarter of 1 percent of all available commercial timberland, 94 percent of which is owned privately anyway and the rest is in these 600,000 acres of national forest.

I do not think we are going to cause any negative impact whatsoever on the local economy and the State economy. I think that is perhaps agreed to by everybody.

I would like to say also that Congressman Wilson, who represents the area in which these forests are located, was a tenacious advocate of the interests of his area. Only by working with him and bringing this matter into a shape that met with his approval

[1] See p. 52 for the prepared statement of Representative Bryant.

were we able to achieve this agreement. We were finally able to shape the bill in such a way that it could get this far.

I would also like to thank Steve Bartlett. We had the opportunity to work together on this bill. With me working on the Democrats and him working on the Republicans, we got the bill out of the Interior Committee without any objections at all. I think that alone ought to commend itself to this Senate committee. I want to say, "Thank you, Steve, for that work."

Thank you.

Senator JEPSEN. Thank you, Congressman. Congressman Bartlett, welcome to the hearing.

Mr. BARTLETT. Thank you.

Senator JEPSEN. The Third District of Texas, and you may proceed.

Mr. BARTLETT. Thank you, Mr. Chairman. To followup on what Congressman Bryant has said, I have a full statement which I will enter into the record with your permission.[1]

Senator JEPSEN. That will be done.

STATEMENT OF HON. STEVE BARTLETT, A REPRESENTATIVE IN CONGRESS FROM THE THIRD DISTRICT OF TEXAS

Mr. BARTLETT. I will just make a few points that I think the committee needs to be aware of. As Congressman Bryant said, he and I worked together on the bill. I come from a conservative Republican background and philosophy. I do not always support all of the wilderness legislation that occasionally comes to the House, because sometimes it seems to me that the wilderness set-asides are simply too large and have too dramatic a negative impact on the economies of the State.

In my judgment, this wilderness legislation will have a positive impact on the economy of east Texas for a lot of reasons. So I do support this.

I did support the 65,000-acre proposal, and now that we are down to the 34,000-acre proposal, I can very candidly tell you that it is a very modest size in relation to 16 million acres of forest lands within east Texas. In fact, the State of New Mexico, by contrast, which is substantially less than half the size of the State of Texas, has 32 times the amount of wilderness areas already designated than the entire State of Texas. The other significant feature of these wilderness areas is proximity to urban populations. There are approximately 10 million people living within a 5-hour drive of the wilderness areas. I think the people of this country, and the next generations in particular, will look for a certain diversity of outdoor recreational use. By diversity I mean we do have national forests and we have national parks and we have Corps of Engineers lakes. I think it is important to also have some set-aside wilderness areas for nonimpaired kinds of recreational use, both for today and in the future.

I have visited the areas on a number of occasions just for personal recreation. The areas have been carefully selected for their unique ecosystems. There is an area of the Upland Island, for ex-

[1] See p. 50 for the prepared statement of Mr. Bartlett.

ample, which is surrounded on all sides by creeks, rivers or tributaries which has, therefore, been preserved from forest fires for as many centuries as anyone cares to find out about. There are a number of different unique stands of trees and different types of trees and of flora and fauna in the area.

One other word, Mr. Chairman, on the cost. There has been one estimate, which I believe not to be accurate, at least, not an accurate reflection for this committee to consider, and that was an estimate that somehow this would cost the taxpayers $1.6 million. And that was an estimate of the commercial value between the 2,700 acres that were being sought. I would just point out to the committee that we are exchanging 2,700 acres for 2,700 acres. In fact, the taxpayers are getting an extra 10 acres out of the deal. The wilderness areas that we are receiving tend to be more valuable as wilderness areas than the acres we are giving up. There is no dollar cost to the taxpayers. We do not have to write out a check. I just urge, and I know the committee will do this, prompt action on the bill. We have been working on it for 10 years and it is to the point where there is universal agreement and ought to be adopted.

Thank you.

Senator JEPSEN. I thank you, gentlemen. Have a good day. We will move on this with dispatch.

Mr. BRYANT. Mr. Chairman, could I submit my statement for the record. I did not ask.

Senator JEPSEN. Absolutely. Your statements will be entered into the record.

Have a good day.

The Chair will now call J. Lamar Beasley, Deputy Chief for Programs and Legislation, Forest Service, U.S. Department of Agriculture, to testify concerning S. 2590/H.R. 4263; S. 2551/H.R. 5076; S. 2598/H.R. 3788, and S. 1754. You have got a lot of things to testify about.

STATEMENT OF J. LAMAR BEASLEY, DEPUTY CHIEF FOR PROGRAMS AND LEGISLATION, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. BEASLEY. Good morning, Mr. Chairman.

I think I will be here longer than the previous witnesses with that list of bills to discuss.

Thank you, Mr. Chairman, for having the opportunity to join with the subcommittee this morning in considering these several bills. They do amount to a designation of portions of national forests in Tennessee, Pennsylvania, and Texas as components of the National Wilderness Preservation System.

Senator JEPSEN. The Chair will advise you, as I have the others, that your statement will be entered into the record.[1] You may proceed in any manner you so desire.

Mr. BEASLEY. I will summarize, with your permission, particularly for the first two bills, Mr. Chairman.

In addition, we will also comment and discuss S. 1754, a bill which would direct the Secretary of Agriculture to convey about

[1] See p. 54 for the prepared statement of Mr. Beasley.

34,000 acres of National Forest System lands in Texas to the Sabine River Authority.

With the exception of the sufficiency in release language, the House-passed bills are nearly identical to their Senate counterparts. The House-passed bill, H.R. 3788, designating wilderness in Texas, does contain the recently adopted Senate-House compromise language on the release of nonwilderness areas. We prefer that language over that that was in the introduced Senate version, and urge its incorporation into the Pennsylvania and Tennessee bills.

S. 2590 and H.R. 4263 would designate three new wilderness areas on the Cherokee National Forest in Tennessee—Bald River Gorge, Citico Creek, and Big Frog. That totals about 25,000 acres. We do have maps of these areas, Mr. Chairman, that we can refer to if you wish.

The Department recommends enactment of H.R. 4263 or S. 2590, if amended to incorporate the new compromise release language.

S. 2551 and H.R. 5076 represent a statewide designation of certain National Forest System lands within Pennsylvania, for inclusion in the National Wilderness Preservation System. As mentioned already, the bills would also designate an additional area as a national recreation area.

The Department recommends enactment of H.R. 5076 or S. 2551, if amended as described in my remarks which will follow. Both bills would establish two wildernesses: the Allegheny Islands Wilderness and the Hickory Creek Wilderness, totaling a little over 9,700 acres.

The Allegheny Islands were recommended for wilderness designation in the RARE II final environmental impact statement, which was issued in 1979. The 9,340-acre Hickory Creek area was identified for further planning during the RARE II process. We are currently studying the wilderness suitability in this area as part of the forest-planning process. We would have preferred to complete the forest planning before making recommendations on wilderness suitability. However, based on the information we have at this time, we do not object to its designation as wilderness.

The bill, as has been mentioned already, authorizes purchase of interest in lands in Hickory Creek, including oil, gas, and other mineral interests. Because of the size of Hickory Creek, and the likely development of these resources, the impact to the area would be inconsistent with wilderness designation.

While the administration generally does not support purchase of mineral interests, it would be essential in this case to acquire mineral interests on Hickory Creek and the Allegheny Islands, if they were designated wilderness.

We would support acquisition of these interests subject to overall budget authorities and appropriation action. An appraisal has been completed and the indications are the purchase authorization of $2 million in the bill would be adequate for purchase of the mineral interests in both Hickory Creek and Allegheny Island.

We do oppose the establishment of a national recreation area, which is proposed in both the House and Senate bills.

The NRA would include the Cornplanter, Allegheny Front, and Tracy Ridge areas, which were studied in RARE II, as well as the

northern portion of the Allegheny Reservoir, a total acreage of a little over 23,000.

The national recreation area would be in two sections, approximately 15 miles apart. Very little of the mineral estate in the proposed national recreation area is in U.S. ownership, and all activities in the national recreation area are subject to valid existing rights.

We understand that this proposal was the result of trying to blend the needs for economical oil and gas development with the desire for specific types of recreation uses. This is basically how the area is currently being managed and will likely be managed in the future.

We believe that the objectives, described in the bill, can be met without designation as a national recreation area.

A national recreation area divided into two segments would be difficult to administer and confusing to the public. Establishing an NRA creates a public presumption that commodity resources will not be developed and that much more intensive and costly recreation development will occur then is likely. We recommend that the proposal for the national recreation area be deleted from the bill.

With regard to S. 2598 and H.R. 3788, the Department has major objections to these bills particularly with regard to the land exchanges and timber sale termination provisions in section 4. Hence, we must strongly oppose enactment of either bill unless these provisions are substantially revised or deleted. Both bills would designate five wilderness areas in the Texas National Forest, the first such designations in this forest and the first wilderness areas to be established in east Texas. About 34,400 acres are involved.

Let me mention, at this point, we do support the establishment of appropriate wilderness areas in east Texas. However, this designation is far greater than that included in the RARE II study which recommended designation of three areas, totaling 8,790 acres. The three areas recommended in RARE II included Little Lake Creek, Big Slough, and Turkey Hill, which, although modified, would be designated also by this bill. The Indian Mounds areas of 10,000 acres, was recommended for nonwilderness in RARE II. A portion of the Upland Island area, also known as Graham Creek, was recommended for further planning.

We have concerns with the designation of these latter two areas, Indian Mounds and Upland Island, particularly with regard to roads and other developments that are present. While we feel it inappropriate that these areas be designated, our major objection and the principal reason for opposing the bills is the land exchanges and timber sale-terminations that would occur on these two areas and on the Little Lake Creek area.

These provisions were added to H.R. 3788 by the House Interior and Insular Affairs Committee after the Department of Agriculture testified on the bill. We were not involved in their consideration nor asked to provide an evaluation of the appropriateness of their inclusion in the bill.

The land exchange mandated by the bills require about 2,725 acres of national forest land to be exchanged for about 2,735 acres of land owned by Temple-Eastex Corp.

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We agree with the desirability of land exchanges with this corporation. Their holdings and those of the national forest are intermingled and exchanges to consolidate holdings would be mutually beneficial.

We had already initiated discussions with this company on some of these lands and other lands before the exchange provisions were inserted in the bill.

We would also support the exchanges on the basis that section 5 of the Wilderness Act encourages such exchanges. However, this exchange, involving nearly equal acres, has several objectionable features. We should also note that other private landholdings would remain in the wilderness areas were this exchange to be made.

We estimate the value of the national forest land, based on preliminary appraisals that consider recently obtained transaction evidence from comparable land sales in the area to be as much as $1.6 million more valuable than the private land. The difference in value is mainly attributable to the larger volume and better quality of the timber stands on the national forest lands.

Our examinations of the value of the private lands did consider the potential for recreation and subdivision development.

A tract lying near the Texas side of the Toledo Bend Reservoir has been identified as possibly having such potential. In our consideration of the physical and market conditions of the tract, we determined that such use is not practical and that the highest and best use of the tract is as timberland. The other tracts are not near the reservoir and are not desirable for development.

The Forest Service regularly carries out land exchanges with private parties under several different authorities. These require an equal value transaction, based on fair market value. We strongly recommend that any land exchange envisioned by the bills to reduce private inholdings in the wilderness areas be carried out under existing authorities. This would require a reduction in the acreage of National Forest System land to be included.

The bills would also require that the land exchanges to be completed within 90 days. Such a severe time constraint would preclude several actions normally associated with land exchanges. We recognize that the bill contemplates this shortcut procedure, but nevertheless, believe that some actions, such as a survey of the tracts, are essential. Such actions would require a minimum of 180 days. The bills preclude an exchange of mineral interests. We disagree with this. These interests should be a part of the exchange, if both parties agree, and the mineral interests are included in the value of the lands exchanged. This would be accomplished if the exchange were made under existing authorities.

The exchange provision in the bills appears to convey private lands in excess of that needed to remove the inholdings within the proposed wilderness areas. We find that, based on the tract numbers specified in the bills, the tracts lie both within and outside the wilderness areas. We estimate that of the 2,735 acres of the company lands to be exchanged, about 2,163 acres lie inside the proposed wilderness and 572 acres are outside the wilderness.

Because of these several concerns, we urge the subcommittee to revise the provision in section 4(a) of the bills to simply direct the

Secretary of Agriculture to complete an appropriate exchange of privately owned lands within the two areas under existing authorities.

Section 4(b) of the bills would require termination of timber sales already under contract in three of the areas to be designated. This would affect sales to four purchasers. Cutting is underway on one sale; roads are being constructed prior to cutting on another. No action has occurred on the other two, with regard to that portion of the sale within the area.

Compensation for one sale is specified in the bill—the Department of Agriculture would be required to provide the buyer, the St. Regis Paper Co., with timber elsewhere on the national forest of approximately equal volume and value. Compensation for terminating the other three sales would presumably be handled under terms of the timber-sale contract. These would require payment of damages by the Government that would cover the purchaser's out-of-pocket expenses incurred with the sale. Purchasers may also be entitled to reimbursement of costs of obtaining replacement timber. The sale on which road construction has been completed and the purchaser has accumulated credits in the amount of $87,534, would require reimbursement of those credits. Terminating the sales would be costly; we estimate a total cost of about $257,000, which would include the administrative costs and damages.

We believe a more appropriate action would be to delete the timber sale areas from the bills. We have provided the subcommittee with maps showing these areas with our recommendations.

The costs required to implement the provisions of S. 2598 and H.R. 3788 would be higher than those we normally encounter. We estimate that the necessary planning, and the surveying, and posting of the wilderness boundaries and related activities, would cost about half a million dollars over the next 5 years. This is due primarily to the extensive boundaries involved—approximately 140 miles of boundaries around the five areas—and also the need to close and obliterate roads.

Mr. Chairman, again we want to assure the subcommittee that we support some wilderness designations in east Texas, and encourage you to act favorably on legislation to do so. However, we cannot accept legislation that contains the land exchange and timber sale termination requirements. Unless these issues can be resolved—and we will work with you to accomplish this—we must oppose the enactment of S. 2598 and H.R. 3788.

And, last, I will comment on S. 1754, a bill which would require the Secretary of Agriculture to convey about 34,000 acres of land in the Sabine National Forest in Texas, to the Sabine River Authority without consideration. Again, we oppose this legislation unless amended to provide for conveyance at fair market value.

The lands in question lie within the project boundary of the Toledo Bend Dam and Reservoir. The reservoir is managed by the Sabine River Authority in accordance with the terms and conditions of a license issued by the Federal Energy Regulatory Commission. Most of the acreage is permanently flooded. Some of the lands, however, lie between the reservoir's normal, or conservation, pool and the flood pool, a strip of land represented by a 3-foot difference in elevation. A sizable area of national forest land occurs in

this area, including portions of five parcels of national forest recreational lands. It is our view that the bill would convey some lands which should be retained by the Forest Service.

On the other hand, we believe the bill offers opportunities to clear up some administrative issues and also to provide for more efficient management of the national forest lands around the reservoir. A land conveyance to the authority may be an appropriate action in this regard. To accomplish this, however, we recommend that the bill be amended to conform to our land exchange authorities, and to the administration's policy of seeking fair market value consideration for Federal lands conveyed. Any conveyance should be subject to easements and recreational development rights reserved to the United States where such rights are necessary for administration of related national forest lands. A conveyance could be by sale, if the legislation specifically authorized it, as well as by exchange. We have initiated discussions with the authority, at the encouragement of the House Agriculture Committee, to determine the conditions and values involved in a conveyance. It may be necessary to revise the bill to reflect these negotiations. We will keep the committee fully informed as these negotiations progress.

Mr. Chairman, I thank you for the opportunity to present our testimony this morning on these seven bills which affect National Forest System lands, and I would be pleased to respond to questions at this time.

Senator JEPSEN. I thank you, Mr. Beasley. The Chair will request the record to show that Senator Huddleston has some questions which he will submit to the Forest Service in writing. He will also submit a written statement for the record.[1]

[The written questions from Senator Huddleston and answers by the Forest Service follow:]

U.S. FOREST SERVICE,
Washington, DC, July 18, 1984.

Hon. WALTER D. HUDDLESTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUDDLESTON: Following a hearing on May 24, 1984, Senator Helms requested that we answer your questions that were forwarded to us through the Senate Committee on Agriculture, Nutrition and Forestry. Following are your questions with our answers. Please contact us if you have any further questions.

Question 1. Does section 5(b)(2) of H.R. 3788 clearly reflect the intent of Congress that, for the purposes of the initial land management plans, lands reviewed under RARE II and lands described in section 5(d) have been given an adequate evaluation as to their suitability as wilderness?

Answer. Yes. The provision explicitly states that the roadless areas evaluated in RARE II, and the roadless areas less than 5,000 acres (section 5(d)) have been given adequate wilderness consideration for purposes of the National Forest Management Act of 1976.

Question. Is it possible that, with respect to lands described in section 5(d), a court would find that a "reference" does not constitute "adequate consideration"?

Answer. While the use of the word "reference" may not be as clear as we would prefer, we feel that it indicates that Congress has determined that the lands referred to in section 5(d) do not need additional wilderness evaluation until the forest plans are revised. If a court were to find the use of "reference" ambiguous, language in Committee reports clarifies congressional intent.

Question 2. Does section 5(b)(3) of H.R. 3788 only apply to the land management plans prior to their initial revision?

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[1] See p. 37 for the prepared statement of Senator Huddleston.

Answer. The direction that lands not designated as wilderness shall be managed for multiple-use is not limited to the first generation of plans, but extends for all rounds of planning. However, future plans following initial plans will consider wilderness where appropriate as a possible future use. The language after the proviso applies only to the initial plans.

Question. If it should be interpreted as having general application, (1) would the "multiple-use" requirement be consistent with the management requirements of section 5(b)(4) for lands recommended for wilderness, and (2) how would the "multiple-use" requirement in section 5(b)(3) apply to areas subsequently designated as wilderness?

Answer. (1) Yes. Wilderness is a multiple-use. The "multiple-use" requirement in section 5(b)(3) is to assure that the Forest Service shall manage nonwilderness areas according to the Forest plan.

Answer (2) As noted above, wilderness is a multiple-use. Areas subsequently designated as wilderness will be managed as wilderness, and Forest plans will reflect the wilderness designation.

Question 3. Could section 5(b)(4) of H.R. 3788 be interpreted as requiring areas previously designated as wilderness to be reviewed each time a land management plan is revised?

Answer. No. The provision refers to the management of roadless areas prior to or during revision of the revised plans. The section does not require additional evaluation of designated wilderness areas.

Question 4. If a provision similar to section 5(b)(4) of H.R. 3788 is included in wilderness legislation that establishes wilderness study areas, for example, S. 2590, could such a provision be interpreted as not requiring the study areas to be administered so as to maintain their wilderness character if they are not recommended for wilderness in a "revised" plan?

Answer. The answer to this question depends on several factors. S. 2590, section 4(b), provides for protection of study areas until Congress determines otherwise. If section 4(b) of S. 2590 were deleted and language similar to that in section 5(b)(4) of H.R. 3788 were included, it would remove the requirement to protect the wilderness character of a study area upon a determination in a land management plan not to recommend the area for wilderness. We would, however, still be obligated to consider the wilderness resource in a future revision of a Forest plan even if language similar to section 5(b)(4) of H.R. 3788 were included.

Question 5. Could the provision of section 5(d) of H.R. 3788 be interpreted as excluding the areas described therein from further consideration for wilderness designation when the plans are revised as contemplated in section 5(b)(4)?

Answer. No. Section 5(d) provides that roadless areas less than 5,000 acres are treated the same as roadless areas evaluated in RARE II. If they remain roadless when subsequent plans are being prepared, they will be evaluated for their wilderness potential.

Question 6. Are there any provisions in H.R. 4263, the House passed version of the proposed "Tennessee Wilderness Act", that require the Forest Service to administer the "Big Frog Study Area" in a manner to maintain its wilderness character? If so, for what period of time are they to be so administered?

Answer. No. Since the "Big Frog Study Area" is not included in the protective provision of section 3(b) of H.R. 4263 and since the Committee report (H. Rept. 98–714) on page 4 states "Upon conclusion of the wilderness study, the Forest Service may manage the area in accordance with the uses recommended in its management plan for the Forest," it appears clear that upon completion of the study, if the area is not recommended for wilderness, continued protection of the area's wilderness character would not be required.

Sincerely,

R. MAX PETERSON, *Chief.*

Senator JEPSEN. The Chair would also advise the representative from the Forest Service, Mr. Beasley, that we will have other written questions for the Department in addition to Senator Huddleston's.

Very quickly, I would like to put in the record your direct answer to the question: In conducting the evaluation of the area proposed as wilderness, did the Forest Service include a value for the wilderness potential? And, if so, what was the value and how was it determined?

Mr. BEASLEY. Mr. Chairman, if I understand your question, you are talking about when we appraised or did the initial appraisal of the lands to be exchanged, did we take into account wilderness as a use in appraising those lands? Am I correct?

Senator JEPSEN. Did you include a value for the wilderness potential?

Mr. BEASLEY. We evaluated the lands for all their uses. We then ended up appraising it for its timber value. It was not appraised for wilderness value. The highest and best use of the lands that we appraised were for timber production. Our appraisal system provides that we do that followup process, appraise it for the highest and best use.

Senator JEPSEN. In general, do you, or, specifically, do you agree to the Senate-House compromise release language?

Mr. BEASLEY. Yes, sir; most certainly.

Senator JEPSEN. Do you have any further questions?

[No response.]

Senator JEPSEN. Mr. Beasley, I thank you very much for your testimony. We will have additional questions we will submit and we would ask that you respond—have the Department respond at the earliest convenience. We are anxious to work at this. We want it to be thorough and complete, but we do want to proceed.

Mr. BEASLEY. We will be very responsive, and we are also anxious.

Thank you, Mr. Chairman.

Senator JEPSEN. I thank you.

The Chair will now call Walter L. Criley, director of planning, department of conservation, Nashville, TN; Ralston Bailey, Bendon, TN; and Will Skelton, Baker, Worthington, Crossley, Stansberry & Woolf, Knoxville, TN.

If you gentlemen would please take a seat on either side of the table, it would be easier if some of you came on this side. You will have your microphones more available.

I welcome you to the committee. We have heard from Pennsylvania. We have heard from the Keystone State of Pennsylvania, the Lone Star State of Texas. What is Tennessee—the Volunteer State. I should know that. The Volunteer State of Tennessee. Welcome. Your written testimony will be entered into the record. You may proceed, therefore, in any manner you so desire. The Chair would recognize first Mr. Criley. Do I pronounce that correctly?

Mr. CRILEY. That is correct.

Senator JEPSEN. C-R-I-L-E-Y.

Mr. CRILEY. Yes, sir; that is right.

Senator JEPSEN. Director of planning, department of conservation.

STATEMENT OF WALTER L. CRILEY, DIRECTOR OF PLANNING, DEPARTMENT OF CONSERVATION, NASHVILLE, TN

Mr. CRILEY. Thank you, Mr. Chairman.[1]

It is a pleasure to be here on behalf of our Governor Lamar Alexander and our commissioner of conservation, Charles Howell. Com-

[1] See p. 62 for the prepared statement of Mr. Criley.

missioner Howell has previously testified in support of the companion House bill, H.R. 4263. I am here to testify in support of the Senate bill, 2590, which designates some wilderness areas in the southern portion of the Cherokee National Forest. The bill has been introduced by our senior Senator, the majority leader, Mr. Baker, and by Mr. Sasser.

The areas in question are located in the southern portion of the Cherokee, separating the two portions is the Great Smoky Mountains National Park, the most visited National Park in the United States.

Several months ago, in a meeting with our Governor, Lamar Alexander, when we were working toward designations of wilderness in the Great Smokies he made a statement that I think is pertinent for these observations, when he decided to support these wilderness designations, he said he grew up in the foothills of the Smoky Mountains and the Cherokee Forest. He said it seemed time to him to cease all the talking and the conversation, that if we were going to manage these areas for wilderness, and recognize them as wilderness, and their intrinsic value is wilderness, it was time we make that commitment to the future and proceed to make the legislative designations. He was pleased to support that.

We feel quite strongly about that.

I also wish to commend the citizens, and two of them are sitting here at the table with me. I know that in many cases citizens feel that their impact on government, certainly at the National level and I think at the State level also, may not be what they would like it to be. But I think in the case of wilderness designations we are saying citizens are having a substantial impact. In fact, those of us in State government in Tennessee have really watched while citizens have worked with their congressional leadership and with the Forest Service in working out the compromises. No question, people like Mr. Skelton and others know more about wilderness designations in the Cherokee than any of us in State government, and we commend them for that.

The Cherokee National Forest contains about 650,000 acres of our State's total 29 million acres. The total acreage in all of the State-owned forests in Tennessee is only about 150,000 acres, scattered in 13 locations. Our State Park System has another 60 some tracts, ranging from 2 acres to only about 16,000 acres, totaling 150,000. So it is clear that there is little area in State ownership for parks and recreation and forests that is eligible for wilderness designation.

Wilderness designation for the Citico Creek Area, the Big Frog, and the Bald River Gorge offer many benefits to the Nation, to Tennessee and to the residents within the region. I would mention four of these benefits, as we see them:

Provision of very large areas of wildlife habitat, particularly for the large mammals, such as black bear and the mountain lion.

The protection for plants or animals that are endangered, threatened or of special concern. We have identified nine rare plant species in the Big Frog Mountain area and seven in the Citico Creek Area.

The third reason is better protection of the water quality and the aquatic ecosystems within both the designated areas and the watersheds, of which they are a part.

And, fourth, protection for us all of some of the most pristine natural environments in Tennessee to be enjoyed by those who wish to hike, camp or hunt in a setting like the early settlers of this country would have experienced.

Let me note that on the banks of the Nolichucky River, not far from some of the lands that we are talking about in the northern Cherokee, David Crockett was born in a cabin. In the northern portion again of similar countryside, a group of men organized as the Over Mountainmen and marched through these mountains to one of the final and strategic battles of the American Revolutionary War, the Battle of Kings Mountain in South Carolina. So there is a great tradition in history of mountaineering in our State, and I think that is part of where our term "Volunteer State" comes from.

The Smoky Mountains National Park attracts some 9 million visitors each year. An additional wilderness in the adjacent Cherokee National Forest, lying both to the north and south of the Smokies, would relieve the Smokies of overcrowding and provide opportunities for wilderness hunting and fishing not available in the national park setting.

Both Governor Alexander and Commissioner Howell have recently testified in support of wilderness designation for the Smoky Mountains National Park. We believe that Tennessee will benefit greatly because of the wilderness designations proposed in S. 2590.

We found in our review of some of the Forest Service work two flaws in the wilderness planning that we believe has been overcome by the legislation now before the subcommittee.

During the RARE II reviews, many areas in the Cherokee were rejected as unsuitable for wilderness designation for a variety of reasons. One was an inability to estimate current or future need and demand for wilderness. As part of the Draft Environmental Impact Statement for Citico Creek and Big Frog, the Cherokee National Forest staff analyzed this problem but we found their analysis somewhat flawed.

They devised a formula to estimate need for wilderness that assumed that an estimate of current use equaled a demand for wilderness. Since only onsite visitors were considered, it ignored the intrinsic values of wilderness derived vicariously by many nonvisitors.

This vicarious nature may explain why many wilderness experts have not themselves attempted to devise a formula to determine the demand for wilderness need in our country.

The second flaw that we pointed out in our review of the RARE II, and the needs analysis for the Cherokee, was that the forest planners apparently limited their analysis to the next 10 years. Foresters are generally considered to be long-term thinkers since they plant trees now for a projected demand which can be anywhere from 30 to 100 years away. But their formula indicates an increasing wilderness deficit. Therefore, we think that in terms of wilderness planning, a 10-year projection cycle is totally insufficient.

We recommend only four modifications to the legislation that is currently before the subcommittee. These, we think, are all minor. There should be certain changes in the maps and acreage figures for Citico Creek and the Big Frog addition that would make these consistent with those provided now in the enacted House bill 4263.

We would change the Big Frog addition from a wilderness study area, and, instead, direct the Forest Service to study this area for wilderness potential and possible designation during the preparation of the current land management plan.

Third, the alteration of the release language to reflect the agreed upon compromise between the House and the Senate versions and that has been agreed to by the leadership of both Houses.

And, fourth, it should be stated that the new release language only applies, of course, to Polk and Monroe Counties; that is, the southern portion of the Cherokee. There are several worthy candidates for wilderness existing in the portion of the Cherokee north of the Great Smoky Mountains, and which we trust will be the subject of a future bill.

In conclusion, Mr. Chairman, both Governor Alexander and Commissioner Howell are strongly supporting another bill that would convert the Land and Water Conservation Fund Act of 1965 and the Historic Preservation Fund Act to a true trust fund. This is H.R. 5090.

The philosophy behind this bill is, I think, to say to all of us that we do not intend to take the resources that we need today and convert these resources to our use and then take the money we receive from the conversion of these resources and also commit them to our present use. We are obligated to leave something for those that follow after us. This is our commitment to the future. We believe the same philosophy that applies to these funds that we believe should be converted to a true investment trust applies to wilderness. This is a commitment to the future and we in the State are willing to make it. We are committed to it and we commend the chairman and the Congress working with the citizen groups for the compromises that have been reached that are going to allow these battles over wilderness that have been fought in our State now for some 20 years, apparently both in Cherokee National Forest, and hopefully in the Great Smokies, to come to a conclusion that seems to be satisfactory to almost all of the parties that are involved.

Mr. Chairman, we thank you for the opportunity and the privilege of appearing here.

Senator JEPSEN. Thank you, Mr. Criley.

Mr. Bailey, from Benton, TN.

STATEMENT OF RALSTON BAILEY, BENTON, TN

Mr. BAILEY. Thank you, Mr. Chairman.

I am privileged to appear before this subcommittee today to testify for Tennessee wilderness. My testimony is on behalf of the citizens and particularly the sportsmen of Monroe and Polk Counties who support wilderness protection for areas of these two counties.

I am a lifelong resident of Polk County within which lies two of the proposed wilderness areas. I also work in Monroe County within which the other two areas are located.

As current president of the Cherokee Sportsman's Association of Benton, TN, I can assure you of the sportsmen's concern in support of wilderness. Sportsmen are very alarmed over the increasing encroachment of wildlife habitat and the subsequent decrease in wildlife population.

Over the past 5 years there has been thousands of acres of the national forest clear-cut. Road construction has more than doubled. Trout streams are being ruined through logging operations and road construction. Wildlife habitat is being destroyed.

I have hunted and fished in the Cherokee National Forest since my childhood. My most recent trips, of course, occurred during the last week of April this year, where I spent portions of 5 days turkey hunting. As an avid turkey hunter, I know that the only remaining prime wild turkey habitat left in either of the two counties, Monroe or Polk, are the proposed wilderness areas. Both Big Frog and Citico have been designated as bear preserves by the Tennessee Wildlife Resources Agency. Without wilderness protection to preserve these habitats, both these species of wildlife could be threatened.

Having worked in the field of soil and water conservation for some 24 years, I can appreciate the benefits of wilderness to our environment. Without this protection, timber harvest and road construction will occur. Due to the terrain, elevation and slope of the wilderness areas, extensive damage will occur to both land and water.

In conclusion, I would mention that the U.S. House of Representatives has passed H.R. 4263 almost without opposition. Therefore, we urge this committee, the U.S. Senate, and the President to protect these areas under the Wilderness Act of 1984.

Thank you.

Senator JEPSEN. Thank you, Mr. Bailey.

Mr. Skelton.

STATEMENT OF WILLIAM H. SKELTON, CHAIRPERSON, CHEROKEE NATIONAL FOREST WILDERNESS COALITION

Mr. SKELTON. Thank you, Mr. Chairman.[1]

I am very happy to be here, particularly since we have been working on this issue for so long. I am very happy to be here to testify for our Tennessee wilderness, we have some outstanding areas which will compare with any wilderness anywhere in the United States, and I have visited a lot of them.

I am testifying as chairperson of the Cherokee National Forest Wilderness Coalition, which is a coalition of just about every Tennessee environmental group that is interested at all in wilderness. They are all supporting these bills which are before this committee.

The bills before this committee are, of course, the House-passed bill which was introduced by Congressman Duncan, in whose district all of the areas we are talking about are located. It was passed by the House by a vote of about 404 to 12. All Tennessee Congresspersons voted for that bill, so it obviously has wide support in the

[1] See p. 64 for the prepared statement of Mr. Skelton.

House. The companion version, which is almost the same, with a few differences I will mention, was introduced, of course, by both Tennessee Senators, Senator Baker and Senator Sasser. So we have bipartisan support for a compromise that I believe everybody is pretty well happy with. The controversies of the past, as Mr. Criley has said, are, hopefully, over with with the passage of these bills.

The bill we are talking about, again as Mr. Criley says, only applies to the southern portion of the Cherokee. The Cherokee is a very long, big national forest, at least for the Southeast, located both in the north and the south of the Great Smoky Mountains National Park. This bill only deals with the southern portion of the Cherokee. We are hopeful that with Congressman Quillen's help we can get a bill introduced and passed for the upper portion, the northern portion, which lies within his district. That is, hopefully, to come this year or within the next several years.

The areas we are talking about I am personally familiar with. I have hiked in all of them. There are four areas, Citico Creek being the biggest, 16,000 acres, adjacent to Kilmer-Slickrock Wilderness already existing in North Carolina. So we have a potential for a very large outstanding wilderness area. That is to be wilderness. Also, Big Frog Mountain, located on the Georgia-Tennessee State line, adjacent to the Cohutta Wilderness, in Georgia, again a potential for a very large wilderness area. Again to be designated wilderness.

Two small areas, Bald River Gorge Wilderness, a small, very steep gorge type area, culminating in the Bald River Falls, a very large waterfall. That is to be wilderness. Finally, Little Frog Mountain, which is 4,800 acres, a small area, but also outstanding, and which is to be a wilderness study area.

Those are the areas we are talking about, and which will be protected, hopefully, by the bills before this committee.

I mentioned the modifications to the Senate version introduced by Senators Baker and Sasser. Basically, I would suggest to this committee, as Mr. Criley, I believe, in the comments he made has suggested, that this committee simply adopt the House-passed version of the bill with the compromise release language. Of course, the House bill has the old release language, and the new release language, the compromise, ought to be included in it. But, with that change, the House-passed bill would make everything simpler. It would avoid the need for any conference committee. The House-passed bill reflects several compromises, changes that were made at the very last minute, that Senators Baker and Sasser could not incorporate in their bill because of the timing involved. So the House-passed bill, I believe, is the bill that everybody is willing to ride with and the bill that I would hope this committee would ride with.

The changes, as I indicated, are pretty minor. The House-passed bill refers to and incorporates more recent maps than the Senate version, their 1984 maps. The map of an addition that is provided for in the Big Frog area, provided for in the House bill to the Big Frog area, has been modified slightly, with the idea of getting Forest Service support, as indicated today for the bill. We took out some clear-cuts and pine plantation, they call it, things like that.

Also, the House-passed bill simply excludes from the release language and mandates the Forest Service to study this addition. It does not make it a wilderness study area, and that is satisfactory with Congressman Duncan and, again, that is what we would go with. And, finally, of course, the change would be the incorporation of the new release language. With these changes, and basically using the House bill with the new release language, we believe we have something that everybody can be pretty happy with.

In summary, these areas, based on my personal knowledge and the knowledge of all the people in our coalition that have visited these areas, and many of us have on many occasions, deserve to be protected. And, as a result, I urge this subcommittee, this Congress and President Reagan to protect these areas this year.

Thank you.

Senator JEPSEN. I assume the three of you gentlemen are all agreeable to the Senate-House compromise release language?

Mr. SKELTON. We are, very much, yes.

Senator JEPSEN. I thank you very much. I wish you a safe trip back home. And, again, as I have with the others, I salute you for your many years of good work that has brought this to this point, which, at this point, it seems, it is going to be successful.

Thank you.

Mr. SKELTON. Thank you, Senator for your help.

Senator JEPSEN. Mr. Bailey, you are a sportsman. I want to show you a picture here.

[Private conversation and viewing of picture by Senator Jepsen and Mr. Bailey.]

Senator JEPSEN. I now call Edward C. Fritz, chairman, Texas Committee on Natural Resources, Dallas, TX, and Ron Hufford, executive vice president, Texas Forestry Association, Lufkin, TX.

Welcome to the committee, gentlemen. The Senator from Texas, Senator Bentsen has spoken of you very highly. Maybe you were in the room and heard it. So your written testimony that you have will be entered into the record, and you may proceed then in any manner you so desire.

We will start with you. You are?

Mr. FRITZ. I am Ned Fritz.

Senator JEPSEN. You are Mr. Fritz. All right, welcome. You may proceed.

STATEMENT OF EDWARD C. FRITZ, CHAIRMAN, TEXAS COMMITTEE ON NATURAL RESOURCES, DALLAS, TX

Mr. FRITZ. Thank you.

My daughter went to the University of Iowa, and got her master's degree there at Iowa State.

Senator JEPSEN. At Ames.

Mr. FRITZ. Yes.

Senator JEPSEN. She got both universities.

Mr. FRITZ. Yes, and I visited up there frequently, of course, during that period of time. I am happy to be with you.

Senator JEPSEN. Thank you, and welcome.

Mr. FRITZ. Thank you, Senator. I will be much shorter than even my very short written testimony, which I hope is in the record.[1]

We urge the enactment of S. 2598 exactly as Senators Bentsen and Tower have filed it and exactly as it has been worked out along the congressional process, which you have spoken favorably of already during these hearings this morning.

I want to mention particularly a good element of this bill that Congress has worked out, and that is this trade for lands, private lands in our Upland Island and Indian Mounds Wilderness. They are important for many reasons, of which I will give only two. One of them is that these private lands dip into the configuration of the wilderness area, and getting them enables the wilderness areas to be rounded out at the boundaries, so people do not have to go down this way and up that way to get across from one place to another.

Then another good element of these trades is that the Temple lands have the two highest prominences in all of east Texas National Forest, and, of course, therefore, in these wildernesses. From these two highest prominences, you can look out over Toledo Bend Reservoir, which is the subject of another bill before the committee this morning. Of course, that gives them tremendous recreational and wilderness values which we know could not have been considered in the Forest Service evaluation of these lands, and, apparently, were not, according to one of the answers you received this morning.

Then we commend Temple-Eastex also for having traded its lands, and for agreeing to cancel a timber purchase, waiving any damages from the cancellation. Although the Forest Service mentions damages that will be lost from three other cancellations, this one involves no damages and then, as to the St. Regis cancellation, they merely want some other timber in its place. So that is two out of the four that there cannot be any damages on at all.

The other thing that we wish to challenge in the way of the Forest Service statement is that they anticipate a cost for obliterating roads. They throw in an undescribed amount of money in a larger category for that. They say that is one of the primary reasons. But we do not want those roads obliterated. The whole forest plan in the congressional consideration has been for those roads to be closed, yes, certain roads to be closed. And we have some that are not even closed that are corridors, so they will not be. But others will be closed, but merely by a fence with a stile through it for people to walk through, something like that, and not obliterated, because we have only one very short stretch of established trails within the five wilderness areas, and that is only 2 miles long. And we need those roads. They make excellent trails. As people wear each one down the middle, it will keep them a trail. The unworn portions will naturally revegetate and in a fast time because we do get a lot of rainfall in southeast Texas, unlike the other parts of Texas. Nature returns in about 25 years or so, in some instances maybe more, but those would be almost—you will have smaller trees, but they will be grown up to look like the wilds, and we would like for those roads to just return naturally and save the taxpayers any money for obliterating the roads.

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[1] See p. 68 for the prepared statement of Mr. Fritz.

Senator JEPSEN. OK, thank you very much.
How do you pronounce your last name, Mr. Hufford?
Mr. HUFFORD. Hufford.
Senator JEPSEN. You may proceed.

STATEMENT OF RON HUFFORD, EXECUTIVE VICE PRESIDENT, TEXAS FORESTRY ASSOCIATION, LUFKIN, TX

Mr. HUFFORD. I represent the Texas Forestry Association, made up of approximately 2,500 concerned citizens throughout east Texas.

Our association has been on record in the past as supporting wilderness and the RARE II process. We support those recommendations for wilderness based on the RARE II study. Those totaled 8,790 acres. And we maintain that support for those wilderness recommendations under the RARE II process.

The Indian Mounds Area, as was pointed out earlier, was not recommended for wilderness, and we do not support that area for wilderness.

We feel that wilderness is one of the most restrictive uses that can be placed on a national forest land, and that many of our citizens in the State of Texas now enjoy our forests because of good management. Many of our forests, or most of our forest land in east Texas has been cut once, twice, or sometimes three times. So it is a tribute to professional forestry and forest management that we are considering these lands for wilderness.

And, finally, I want to say that we do support the House-Senate release language.

Senator JEPSEN. Gentlemen, I thank you very much. I hope you enjoy your visit here in Washington, and I wish you a very safe trip home. I assure you we will proceed with industry and dispatch on these bills.

Mr. HUFFORD. Thank you very much, Senator.

Senator JEPSEN. You are welcome.

The Chair will now recognize John C. Oliver, Western Pennsylvania Conservancy, Pittsburgh, PA; Robert J. Labar, forest resources administrator, Hammermill Paper Co., Erie, PA; J.A. Winieski, chairman, Pennsylvania division, Society of American Foresters; and Jeff Schmidt, Harrisburg representative of the Sierra Club, Harrisburg, PA.

Welcome to the committee, gentlemen. Your written testimony will be entered into the record. Therefore, you may proceed in any manner you so desire. We will start with Mr. Oliver, Western Pennsylvania Conservancy.

STATEMENT OF JOHN C. OLIVER III, WESTERN PENNSYLVANIA CONSERVANCY, PITTSBURGH, PA

Mr. OLIVER. Thank you, Mr. Chairman.

My name is John Oliver and I am president of the Western Pennsylvania Conservancy, the State's largest, private, nonprofit land conservation, headquartered in Pittsburgh, PA.[1]

[1] See p. 69 for the prepared statement of Mr. Oliver.

I appreciate very much this opportunity to appear before you today to testify in favor of Senate bill 2551. I also want to express our appreciation to Senators Heinz and Specter for their long-term interest in this issue, and for their cosponsorship of this bill.

I would like to concentrate my brief remarks, sir, on the two wilderness areas in the bill, particularly the Hickory Creek Wilderness, which, in our opinion, is the centerpiece of the legislation.

There are four factors which we feel contribute to its value. As you heard before, it is accessible, being within 150 miles of over 13 million people in five different States.

Two, it is not bisected by any vehicular roads.

Three, all lands within the project boundary are owned by the Forest Service, so there is no additional acquisition needed.

And, four, it is the only reasonable candidate for Federal wilderness in the States of Pennsylvania, New York, Ohio, New Jersey, West Virginia, and Maryland.

A second point I would like to mention is the fact we strongly support multiple-use management and balanced resource development. But, oil, gas, and timber operations would destroy the value of the Hickory Creek for wilderness purposes.

Now, with respect to oil and gas, the Western Pennsylvania Conservancy, my organization, holds an option to purchase 7,275 acres of oil and gas rights or 77 percent of the total oil and gas rights under the Hickory Creek area at a price consistent with the recent U.S. Forest Service appraisal. It is our intent to convey these rights to the Forest Service at cost to ensure permanent protection of this magnificent valley.

Second, with respect to timber, the annual program harvest for the Hickory Creek area, recently calculated by the U.S. Forest Service, is 484,000 board feet, or about 2 percent of the annual program harvest for the entire Allegheny National Forest. We believe that foregoing this minor amount of commercial timber production is an affordable price to pay to establish this wilderness area.

The Chief of the Forest Service, Max Peterson, stated before the House subcommittee last March that he had no objection to designating Hickory Creek as an eastern wilderness area. And, as you heard from Mr. Beasley today, furthermore, the administration also supports the $2 million appropriation.

The compromise release language reached recently makes prompt action appear possible, and we are delighted with this situation.

In sum then, sir, we think that S. 2551 is a great opportunity at hand, and we respectfully request your help in this undertaking and hope that you will report out Senate bill 2551 favorably, and also support its early enactment.

Thank you very much.

Senator JEPSEN. Thank you, Mr. Oliver.

Now, Mr. LaBar, forest resource administrator, Hammermill Paper Co. Welcome. You may proceed.

STATEMENT OF ROBERT J. LaBAR, FOREST RESOURCES ADMINISTRATOR, HAMMERMILL PAPER CO., ERIE, PA

Mr. LABAR. Thank you, Mr. Chairman.

I appreciate the opportunity to appear before the committee today. I do appreciate the efforts of our Pennsylania Senators and this committee to get a consensus or variety of opinions on this legislation.[1]

I am representing not just my company here today, but the timber industry in the State of Pennsylvania.

One of Hammermill's major concerns was removed recently with the compromise release language, which I believe was adopted by both the Senate and the House. We are on record that if release language was included that we would not stand in the way of Hickory Creek becoming a wilderness. This compromise however did not include the national recreation areas. I would like to address that.

Much has been said about the need to compromise, as has been mentioned by the various Senators today, and we believe it might be more possible to have a compromise if certain changes were made in this legislation. I think it is especially true if, out of traditional courtesy to the Pennsylvania delegation, the Senate would go along with the present wording.

Let me just point out a few matters.

We would like to emphasize the uniqueness of the Allegheny National Forest. I know your committee and the Senate and the House have to grope with large areas, particularly for wilderness and management of public land, but we think the Allegheny National Forest is unique. A couple of factors: It is very small. I believe it provides the highest return to the Treasury as far as the eastern national forests, something like $1.3 million to local townships, and it is one of the leading national forests in the United States as far as generation of revenue.

It was mentioned earlier about the black cherry that is very popular as a wood. It only grows in a very small portion of New York and Pennsylvania and the limited four-county area in which the national forest is located is the best location as far as growing.

I would also like to point out to the committee the last page of my testimony which will be a part of the record, as you indicated.

I did a study using forest service figures. About 25 percent of the national forest is already off limits to logging or very seriously restricted. So, instead of having a half-million-acre national forest, we only have about 375,000 acres. As John has pointed out earlier, it is a multiple-use forest and we think timber is a renewable resource. It is an excellent way of improving the employment picture in an area that we already have high unemployment.

We, as a company, have committed $24 million just this year alone to make this possible.

We do have a concern, and possibly it cannot properly be addressed by this committee; that is the application of the Wilderness Act and the Clean Air Act. We know that this is something separate. It is just that we know the Clean Air Act can be amended. There are efforts in the Senate this year to upgrade the designation from class II to class I. Efforts remain by environmentalists to force the issue. We realize that this is a State issue. We are concerned for the industries that have mills in that area, if a wilderness area is designated.

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[1] See p. 74 for the prepared statement of Mr. LaBar.

John and I had some discussions earlier. Apparently, I have misquoted him in my written testimony, and I correct that, just as Hammermill has been misquoted a couple times in the paper as far as its position. I apparently misquoted John. My apologies, John. I hope we strike that comment from the written record.

I do have a couple of questions. The proposed language in the NRA mentions wilderness value, and we question the need to put in this name or designation under NRA. An important issue that we point out to you and, it could be said it is of no concern, particularly with the present administration and Congress. But in the House bill and the companion Senate bill, under the wilderness area, it says that any lands or subsurface rights, that are to be acquired, are only by consent of the owner.

Under the NRA it says quite differently, that it can be purchased under any authority of law. No reference to the consent of the landowner. We are suggesting that that language, either by consent of the landowner or willing buyer, willing seller, be introduced.

Our concern maybe is farfetched, but we can see what happened over in the Cuyahoga Valley, about 100 miles from the Allegheny National Forest quite a few years ago. Again, maybe it would not happen again, but there the Park Service exceeded the authority that Congress gave to it and quite a lot of land in the NRA was condemned. We are concerned about condemnations. And we think it would be very easy just to add those words, "willing buyer, willing seller" or "consent of the landowner."

I point out again, I do not know the answer. I am an amateur archeologist, but I know that the Forest Service and any administration agency has to abide by the American Indian Religious Freedom Act. There are several areas within the Allegheny Reservoir NRA that are important to the Seneca Nation. And I just encourage Congress, if it is a requirement, they contact the Senecas for their feelings on those areas.

Let me just briefly, in conclusion, examine the concept of national recreation areas. We support the statement of the Chief of the Forest Service, Max Peterson, questioning the advisability of establishing large national recreation areas in the Allegheny National Forest. If we have to have them, we would like to see some changes. One of these is in the wording where it says that the utilization—and I emphasize the word "utilization"—of natural resources, within NRA's should be permitted only as consistent with the provisions of the act.

I have carefully reviewed the language in eight separate NRA's, including the nearby Delaware Water Gap Recreation Area between Pennsylvania and New Jersey. Four of these, including Delaware Water Gap, and particularly the Sawtooth, provide language that reads slightly different. It says, "the management, utilization, and disposal"—I emphasize those three words—"of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purpose for which this recreation area is established."

The reason I say that is that Congressman Clinger, in introducing this legislation into the Congressional Record, on April 30, mentioned that there are clearly forestry applications that can go

on in an NRA. What we are saying is why not spell it out? It would relieve a lot of the concern that we have as an industry.

I would also point to another act of Congress, February 26, 1931, when the lands along the Allegheny Reservoir were authorized for purchase—to promote and protect the navigation of streams and the protection of timber thereon.

This would make it consistent with what Congress has already said.

Again, I thank you for the opportunity to testify before this distinguished group. As John Oliver and I already know, we have worked on this many years. It has been a long uphill battle, and we hope that maybe it can be resolved this year once and for all. We think with a few, if I can use the term "cosmetic changes," possibly it will be like Congressman Clinger said, maybe not agreeable to everybody, but to more people.

Thank you, sir.

Senator JEPSEN. Thank you.

Mr. WINIESKI.

STATEMENT OF JOHN A. WINIESKI, CHAIRMAN, PENNSYLVANIA DIVISION, SOCIETY OF AMERICAN FORESTERS, DILLSBURG, PA

Mr. WINIESKI. Mr. Chairman and members of the committee, I would like to thank you for this opportunity today to come here and appear before the committee and to make a statement about the bills 2551 and 4057, so designated the Pennsylvania Wilderness Act of 1984.

My name is John A. Winieski. I am a forest geneticist with the Pennsylvania Bureau of Forestry. However, today I appear here as chairman of the Pennsylvania Division of the Society of American Foresters, and I represent over 600 professional foresters in the State of Pennsylvania.

The Pennsylvania Division and the Allegheny Society of American Foresters have passed resolutions accepting the designation of a wilderness area on the Allegheny. Specifically, our resolution concurred with the original U.S. Forest Service designation RARE II report. Our resolution also recognized that within a day's drive of Pennsylvania's residents there are considerable acreages of public forest lands classified as wild and natural, both in State forests and adjoining States.

We, the members of the Pennsylvania Division, have several concerns about S. 2551.

First, we support the Chief of the U.S. Forest Service, Max Peterson, and Lamar Beasley's testimony here today, in that the designation of the national recreation area should be deleted from Senate bill 2551. Considerable sums of money, we feel, and time, have been spent, and are continuing to be spent, on a national forest planning which includes consideration of and provisions for the use of national recreation areas on the Allegheny. Therefore, we feel that such a designation in this bill is unnecessary. In fact, we feel that perhaps it is making an end run around the planning process of the U.S. Forest Service.

If the national recreation area designation remains in the bill, however, we question the lack of several, as Mr. LaBar has stated,

cosmetic changes in the bill itself. One would be the lack of explicit acquisition authority, as has been mentioned here today. We would like a little parallelism in the two bills so that any acquisition would be with the consent of the owners, rather than by eminent domain.

We also seriously question the inclusion of the term "wilderness" in section 6(a)(6), under administration of the national recreation areas. Such designation of wilderness in recreation areas, we feel, would conflict with the other intended uses, which are basically management uses.

We, the Pennsylvania Division and the Society of American Foresters, also question the lack of language which would authorize the Secretary of Agriculture to manage, utilize, and dispose of natural resources in the NRA's as in his best judgment would be compatible with the other uses of the national recreation areas, said natural resources including lumber and timber rights. I guess here we are concerned with specific authority to manage the timber as well as the mineral resources in the NRA.

We question the lack of language which would also exempt the national recreation area from protective perimeters or buffer zones, as stated in section 8(b), for wilderness areas. There is allowance for buffer areas in recreation areas; however, the language is not consistent for wilderness areas, which may indicate there would be buffers around recreation areas and not around wilderness areas.

It is also deemed desirable that the acreages of both wilderness and national recreation areas be accurately described by land surveys before a final declaration of the acreage so that a more correct acreage figure is used. For example, the bill is quite specific as to 1,272 acres mentioned at the end of section 5, but does not designate the boundaries of this acreage.

In summary, I guess, in regards to wilderness, we would like to see the concept and integrity of the wild and wilderness areas maintained by the acquisition of the subsurface rights on those areas designated for wilderness. I think it was Senator Specter or Senator Heinz who mentioned the fact that the acquisition of the Forest Service lands was made without mineral rights. I know in our own case in State forest lands, a lot of acquisition was made without the mineral rights, and we are finding now that subsurface rights are being exercised at the expense of some of the surface rights.

In regards to the national recreation areas, the blending—if in fact the purpose of the act is to blend the economic and recreational uses, it can best be accomplished through a continuation of the U.S. Forest Service planning process on the Allegheny National Forest.

I wish to thank you again for this opportunity to present these remarks, which are representative of a committee of the Pennsylvania Division and the Society of American Foresters.

Thank you very much.

Senator JEPSEN. Thank you, Mr. Winieski.

Mr. Jeff Schmidt, the Harrisburg representative of the Sierra Club. You may proceed.

STATEMENT OF JEFF SCHMIDT, REPRESENTING THE PENNSYLVANIA CHAPTER OF THE SIERRA CLUB

Mr. SCHMIDT. Senator, we thank you very much for allowing me to be here and for you taking the time to listen to our diversion of views on the Pennsylvania Wilderness Act.

I have not previously ever given testimony to Congress on wilderness, so I am not all that well versed in RARE II and in the release language and that sort of thing.

But I am here because I was born and raised in Pennsylvania and I have got a pride in that State. We have got a beautiful State and I have hunted and fished its many fields and streams and I have hiked all over it. And I am a little envious of what I see in other States.

In the lower 48 States, we have got approximately 24 million acres of wilderness currently designated. And we have none in Pennsylvania. We have got one national forest, which is about half a million acres. And what we are asking for is designation of a wilderness of about 9,700 acres, or about 2 percent of our national forest.

If this national forest wilderness designation occurs, that will give us approximately one two-thousand four-hundredth of the wilderness of the country in the lower 48. I think that is rather insignificant. We are not asking too much, we feel.

The national recreation area would be approximately 5 percent of the national forest. So combined, you are having less than 7 percent of the national forest assigned to protective status.

As Senator Heinz mentioned earlier, 92 million people live within a 1-day's drive of this wilderness—proposed wilderness area. We do not have anything in Pennsylvania at all approaching this. The nearest wilderness area to Pennsylvania is about 250 miles south of the Allegheny National Forest, in the Monongahela National Forest in West Virginia. West Virginia has found that tourism has increased after the designation occurred.

This bill represents a true compromise. We have been working to get some kind of wilderness designation for over a decade. I have not personally been involved in it, but our organization and the Western Pennsylvania Conservancy has worked with the representatives for over a decade to try to get something established. We feel we have what we can call a true compromise. Originally, we had been pushing for significantly larger acreages. And Congressman Clinger had introduced legislation in the last session that would have been significantly smaller. What we find now is we have got legislation that has been cosponsored by Democrats and Republicans alike, and cosponsorship of the full Pennsylvania delegation. And the vote in the House was overwhelming. It was 387 to 28, or over 13 to 1 margin with little or no opposition.

We agree with Representative Clinger that the national recreation area is critical to this bill, and we are pleased that he has taken that stand. We urge that the $2 million appropriation be made for the purchase of the mineral rights. The Forest Service has said they feel the $2 million is sufficient to adequately handle that.

We also support the Senate compromise on the release language that was recently worked out and we urge prompt passage of the bill.

Thank you.

Senator JEPSEN. Thank you.

I have just one question, and that is, I would ask how the other witnesses would respond to Mr. LaBar's suggestion for NRA language to include a willing buyer and a willing seller? Mr. Oliver?

Mr. OLIVER. That would be perfectly fine as far as we are concerned.

Senator JEPSEN. Mr. Schmidt?

Mr. SCHMIDT. I cannot comment for my organization without checking with them on that. I can get that to you in writing.

Senator JEPSEN. Mr. Winieski?

Mr. WINIESKI. I think in my statement here, we would agree with that.

Senator JEPSEN. I have no further questions. I thank you, gentlemen. I wish you a safe trip home. I am sure the others will get right to work. They have a lot of hard work.

The Chair would now call David Smith, counsel, Sabine River Authority of Louisiana and Sam Collins, executive vice president and general manager of the Sabine River Authority of Texas.

Welcome to the committee, gentlemen. I have indication that the administration position does oppose this Sabine River conveyance unless it is amended to provide the conveyance at a fair market value. That seems to be their big bone of contention. I hope you will address that in your remarks.

Your written remarks will be entered into the record. Therefore, you may proceed in any manner you so desire.

We will start with Sam Collins.

STATEMENT OF SAM F. COLLINS, EXECUTIVE VICE PRESIDENT AND GENERAL MANAGER, SABINE RIVER AUTHORITY OF TEXAS, ORANGE, TX

Mr. COLLINS. Thank you, Mr. Chairman. I appreciate this opportunity of the Chair adding this item to the agenda, and Senator Bentsen's assistance in appearing on this bill on behalf of Texas and Louisiana.

We have addressed the point that you brought out about the fair market value. Since the bill was introduced in the House, Secretary Block has commented on the bill, as was introduced. We have made and offer a substitute, which we think incorporates most of the changes requested by the administration in the bill. What remains to be worked out are the negotiations on what is fair market value of land below about 50 foot of water, and trying to determine—we have not found too many sales of that type of land. It does not sell too good. But we do try to address it in our prepared statement. I will not try to go over the whole statement here, because it is written up and will be in the record.[1]

I would like to make a few comments that I did not include in my statement about the Sabine River Authority of Texas.

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[1] See p. 89 for the prepared statement of Mr. Collins.

It is a unique State agency in that State.

We cover the entire basin of the Sabine River, our jurisdiction does. We are governed by a nine-member board of directors, appointed by the Governor. And those board of directors must live within the basin. They come from counties within the basin.

We do not have any taxing powers, and we do not receive any appropriation from the State. We must operate out of revenues generated by the services that we provide in developing the water resources of that basin.

In the past, the Sabine River Authority of Texas has planned, constructed, and operated two reservoirs in the upper basin, and we operate and we have planned, constructed and built, and operate the Toledo Bend project within the State of Louisiana. All of this without any Federal funding at all. We have taken this upon ourselves and we have done it financially locally.

As I stated earlier, we do have a proposed substitute that is part of the record. I think we have covered everything. We are willing to work with the Forest Service. In fact, we encourage it. We would like to meet as soon as possible to try to work out the differences and try to come up with what could be considered fair market value.

Thank you.

Senator JEPSEN. Thank you. Mr. Collins.

STATEMENT OF H. DAVID SMITH, JR., CHAIRMAN'S REPRESENTATIVE, SABINE RIVER AUTHORITY, STATE OF LOUISIANA

Mr. SMITH. Mr. Chairman, my name is David Smith and I am attorney for the Sabine River Authority.[1]

Basically, as Mr. Collins outlined, it is the same position that Louisiana shares with regard to the Toledo Bend Reservoir.

This is a joint project, and equally shared by the two States. We built this without Federal funds. We feel that S. 1754, with the amended provisions we have come up with, would offer full and just compensation to the Federal Government. We offered to make a cash consideration, coupled with the fact of the enhanced value of some 260 miles which they now enjoy as waterfront property. Also, Texas is going to transfer some lands to them which would connect some of their separated national forest lands, which will give them additional waterfront property.

So we feel that this is all very just compensation. We have made this offer to them, and we are looking for some type of response from them. We feel that we have tendered a very good offer.

I might add that if we are unable to resolve this, and we ever have to pay any of these funds, while this is a 50–50 project between the two States, because of the division of funds collected by FERC, 37 percent of the moneys paid by the joint operation would be returned to the State of Texas, not to the State of Louisiana.

We feel this is a little bit unequitable, but we have been partners in this project too long to argue about it now. So we respectfully urge your consideration and support in this amended form on this bill.

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[1] See p. 99 for the prepared statement of Mr. Smith.

Senator JEPSEN. I thank you very much. We will do that. You covered the subject very well. I wish you a safe trip home.

Mr. SMITH. Thank you very much.

Senator JEPSEN. Good luck to you.

The Chair would advise and want the record to show that we will keep it open for any additional questions to be submitted by any member of the committee, at least for the next week.

I now declare the subcommittee hearing adjourned.

[Whereupon, at 11:25 a.m., the subcommittee adjourned, subject to call of the Chair.]

APPENDIX

STATEMENT OF HON. WALTER D. HUDDLESTON,
A U.S. SENATOR FROM KENTUCKY

Mr. Chairman, I am glad that you have convened this hearing to receive testimony on bills that would, among other things, designate new wilderness areas in the States of Tennessee, Pennsylvania, and Texas.

These wilderness bills are the result of extensive study by the Forest Service and substantial involvement by the public.

Although the Senate and House bills would designate substantially the same lands as wilderness and wilderness study areas, there are some differences with respect to the exact size of certain of the proposed areas and with respect to the release language and other aspects of the bills. The testimony of today's witnesses should be helpful to us in determining the best way to resolve these matters.

The Tennessee wilderness bills, S. 2590 and H.R. 4263, would designate certain lands in the Cherokee National Forest as wilderness and wilderness study areas. Neither of the bills covers Forest Service lands in Tennessee that lie north and east of the Great Smoky Mountains National Park. Lands in those areas of Tennessee which may be suitable for wilderness designation will be subject to consideration at a later date.

S. 2590 would designate approximately 24,655 acres in four areas as wilderness and 8,257 acres in two areas for wilderness study. H.R. 4263 would designate approximately 24,942 acres in three areas as wilderness and 7,800 acres in two areas for wilderness study.

The Pennsylvania wilderness bills, S. 2551 and H.R. 5076, would establish two new wilderness areas and one new national recreational area in the Allegheny National Forest. Both bills would also authorize the addition of lands acquired under other law to be added to the national recreational area. The two wilderness areas would total approximately 9,763 acres under S. 2551 and 9,705 acres under H.R. 5076. The national recreational area provided for in both bills would contain approximately 23,100 acres.

The Texas wilderness bills, S. 2598 and H.R. 3788, would add five areas comprising approximately 34,400 acres of National Forest land in Texas to the Wilderness Preservation System. The language in the bills with respect to the areas to be designated as wilderness is identical. H.R. 3788, which passed the House on May 9, 1984, contains the so-called "compromise release" language. This is the first public opportunity that this subcommittee has had to hear a detailed explanation of this provision, and I look forward to reviewing the testimony of today's witnesses in this regard.

STATEMENT OF HON. JOHN HEINZ,
A U.S. SENATOR FROM PENNSYLVANIA

Mr. Chairman, I thank you for the opportunity to appear before your subcommittee today and testify on behalf of the Pennsylvania Wilderness Act of 1984, which Senator Specter and I have coauthored. Also, appearing before your committee will be Congressman Bill Clinger who introduced parallel legislation in the House, and representatives of the Forest Service, conservation interests and the forest industry to provide you with complete information about the bill.

Mr. Chairman, I commend you on your leadership in preserving wilderness areas through the creation of protected forests. You have always been a champion of our natural resources and environment. Let me say that you are a champion not only for the interests of Iowa, but, indeed for all Americans. These efforts will enable millions of Americans to enjoy and appreciate our great national heritage of vast forests, mountains and wild lands, while providing a legacy to future Americans that is truly unique.

Since the passage of the Eastern Wilderness Act of 1974, the subject of wilderness areas for Pennsylvania has appeared to be hopelessly deadlocked between those who favor broad protections and those who also recognize the many essential products produced from these lands by our forest industry. If there is one individual to point to as the driving force behind the balanced legislation before you today, I would have no hesitation in crediting Bill Clinger with that accomplishment. Congressman Clinger has dedicated himself to creating a wilderness area for millions of Pennsylvanians a well as Americans from elsewhere who visit our State. His tireless efforts have resulted in legislation support by the entire Pennsylvania delegation in the House, which recently passed by the overwhelming margin of 387 - 19. I thank you, Bill, on behalf of everyone who will enjoy the Pennsylvania wilderness for which you have worked so hard. You have created a genuine consensus, and the wilderness proposal you carefully prepared has made every possible effort to accommodate the various interests, from those who use the forests for recreation to those who use the forests to produce the products we have come to depend on such as paper (what would the Congress ever do without paper), lumber, furniture, and so much else.

The Pennsylvania Wilderness Act of 1984 provides for a variety of different land uses by designating some areas for wilderness protection and other areas for recreational classification.

The wilderness designation includes seven islands in the Allegheny River -- termed the Allegheny Islands Wilderness -- covering an area of 363 acres. The wilderness protection is also extended to a far larger forest area of northern hardwoods called the Hickory Creek area, including 9,400 acres. These areas will be preserved in their present state, free from any type of commercial utilization.

This legislation also creates an Allegheny National Recreation Area of approximately 23,100 acres, which includes areas known as Cornplanter, Tracy Ridge, and Allegheny Front. Unlike areas designated for wilderness protection, recreation areas are managed to maximize or enhance opportunities for recreation including hunting, fishing, hiking, backpacking, boating, and other similar activities, while at the same time, allowing the development of important reserves of oil, gas and other minerals in a fashion which is environmentally acceptable. Fish and wildlife populations and habitats are protected and maintained, as are watersheds and free flowing streams. While allowing for the use of the forest's resources, the focus of this designation is on conserving the scenic, wilderness, cultural and educational values which have drawn millions of Americans to the Allegheny National Forest. All this will be undertaken under a carefully prepared management plan prepared by the Forest Service.

Mr. Chairman, this legislation contains more than a little something for everyone; it offers a great deal to everyone. As we all well know, public opinion can be almost anything but unanimous, and in any compromise there are those whose convictions have only reluctantly given way to a common position. However, the Pennsylvania delegation, Republicans and Democrats alike, support the Pennsylvania Act of 1984. That type of unanimity among the representatives of population as diverse as that in Pennsylvania -- from the cities of Pittsburgh and Philadelphia to those residents of many rural communities throughout the State -- is truly reflective of the fairness and quality of the compromise embodied in this legislation.

Mr. Chairman, I thank you for the opportunity to testify before your Subcommittee in this important matter, and urge you to give this legislation the same skillful consideration that has typified your Committee's review of other wilderness bills.

STATEMENT OF HON. ARLEN SPECTER,
A U.S. SENATOR FROM PENNSYLVANIA

Mr. Chairman, I am pleased to have the opportunity to participate in this hearing on the Pennsylvania Wilderness Act of 1984. I commend the Chairman for scheduling this hearing and for his recognition of this Committee's responsibility to resolve this extremely important issue.

I consider access to wilderness a right, and it is our obligation here in Congress to preserve the right of future generations to have wilderness in their civilization. It is the right to find solitude, to see and enjoy, and be inspired by those places where nature has not been disrupted or obscured by the industry of man. Our decisions in the 98th Congress regarding wilderness and recreation areas will have a profound effect on this right for our sons and daughters, and generations to come.

I hope all of those testifying and considering the issues here today have experienced wilderness; we all have most certainly reaped many of the other benefits which our natural resources have provided through development. The questions we must address are how much and to what extent will we preserve our wilderness and utilize our natural resources. The answers to these questions do not come easily, as illustrated in the fact that we have been grappling with this important matter for some 10 years, but I believe that our efforts and the work of those before us will finally come to fruition through this legislation before the Committee today. I commend Congressman Clinger for his creative and untiring work without which this legislation would not have passed the House and meet the needs of the diverse population of Pennsylvania. I also commend Senator Heinz, who sponsored this bill, and Congressman Kostmayer for their fine efforts.

This legislation represents the persistence and dedication of Congress and staff to the cause of preserving the wilderness of Pennsylvania while avoiding the misfortune of obstructing the progress of business and industry in our great Commonwealth. Herein lies the challenge facing all of us concerned with the growth of our industrial base and the protection of our nation's natural beauty. We have, in my estimation, met this difficult challenge. We have come to an appropriate accommodation. It is an accommodation in the sense that those who ask for complete isolation of our natural resources will not be completely satisfied and those who wish for unlimited access of Pennsylvania's resources will not be completely happy either. But is is not a compromise of our future ability to enjoy the pleasures of the wilderness or our future ability to utilize our natural resources for the betterment of Pennsylvania and America.

This legislation would protect approximately 9,800 remote and pristine acres of the Allegheny Forest by designating them as components of the National Wilderness Preservation System. Passage of the Pennsylvania Wilderness Act of 1984 will also ensure the preservation of scenic, historical, archaeological, paleonotological, wildlife and watershed resources, and will maximize opportunties for recreational activities on 23,100 acres located in Elk, Forest, McKean, and Warren counties. This acreage would be designated as national recreational areas.

During my extensive travels across Pennsylvania, I have seen diverse examples of natural beauty and wilderness. The areas which we consider today, however, are extraordinary in that 40 percent of the United States' population lives within a day's drive of these forests. We must preserve a portion of this treasure in its untouched state for the tens of millions of

Americans which have such easy access of this unblemished resource.

I have received numerous letters and telephone calls regarding the future of this section of northeastern Pennsylvania. They reveal a wide range of viewpoints and concerns, which I believe have been considered; a careful balance has been struck between environment, recreation, and development interests. This legislation allows development in the national recreational area, while minimizing its environmental impact. Thus, it includes essential reclamation and requirements and provides guidelines on oil, gas, and mineral exploration, while ensuring that such guidelines don't make development economically infeasible. Restoration of surface lands and maintenance of high water quality is also mandated.

The bill now provides better assurance, for example, for long-range timber sales and additional release of roadless areas (not covered by the second roadless review and evalution wilderness study) and areas less than 5,000 acres. Fishing and hunting are allowed but only in accordance with Federal and State laws. Furthermore, management of the national recreation area will be guided by a published plan which will be developed with public participation.

As I bring my statement to a close, I would like to remind the Committee that the Senate during this Congress has only passed three bills designating wilderness areas. This bill, which I support, does not represent victory or defeat for any special group. It is a victory, however, for Pennsylvania, visitors to our State, and the legislative process. It is our obligation in Congress to consider the long-term interests of our States and the nation, not just the special interests who may be the most vocal. As Congressman Clinger was quoted, this legislation is "fair, feasible, and realistic".

Again, I thank the Committee for allowing me to testify on this important piece of legislation.

STATEMENT OF HON. LLOYD BENTSEN,
A U.S. SENATOR FROM TEXAS, ON S. 2598

Mr. Chairman, I appreciate your holding this hearing on the Texas wilderness bill, which I have introduced along with the distinguished senior Senator from Texas, Senator Tower. This bill was introduced in the House by the able Congressman from Dallas, Congressman John Bryant, and has passed the House by voice vote.

This legislation will designate about 34,000 acres of Federal land as components of the National Wilderness Preservation System, thereby ensuring that they will remain unspoiled for the enjoyment of future generations. These five new wilderness areas are in the national forests of east Texas.

This bill has been a long time in the making. But the preservation of these unique and unspoiled areas is all the sweeter for the work that went into it.

'I remember very well the long struggle to enact my legislation to establish the Big Thicket National Preserve, to save the last unspoiled remnants of one of this nation's truly unique ecological areas. There is an immense satisfaction in visiting those areas now, in feeling that special feeling of timelessness that is associated only with great natural beauty, and in knowing that our children's children will be able to stand where we stand today and savor the same beauty that we enjoy.

This legislation will extend permanent protection to five more unique and beautiful ecological areas of east Texas. Almost all of these areas are now owned by the Federal Government as part of the National Forest System. The sole exceptions of this are certain tracts associated with the Indian Mounds and Upland Islands wilderness area. These tracts, which are needed to round out the borders of these wilderness areas, are now in private ownership. However, the current owner, Temple-Eastex Incorporated, has consented to exchange these lands for a similar amount of other Federal lands which are of comparable value. This exchange has been included in the legislation in order to expedite that exchange and minimize the administrative hassle both to the Forest Service and to Temple-Eastex. This legislation will not cost the taxpayers any money.

These five areas -- Big Slough, Little Lake Creek, Turkey Hill, Upland Island, and Indian Mounds -- represent a broad spectrum of east Texas ecosystems, from hardwood bottomland to upland pine forests, from a permanent spring pool where pioneer wagon trains once watered to the largest longleaf pine tree in the nation. These areas show off the best and most beautiful of these habitats.

The Big Slough Wilderness in the Davy Crockett National Forest is an outstanding example of an east Texas hardwood bottomland ecosystem, and this area boasts the Texas champion water elm as well as a wide variety of other plants and animals.

Little Lake Creek Wilderness, in the Sam Houston National Forest, encompasses both upland pine forests and hardwood bottomlands.

The Turkey Hill Wilderness, in the Angelina National Forest, contains clear creeks fed by seep springs, with upland pine areas and bottonland hardwood areas of beech and magnolia as well as oak and hickory trees.

The Upland Island Wilderness, in the Angelina National Forest, is one of the most diverse of these areas. It contains the largest tree in the national forests of east Texas, bald cypress, the largest longleaf pine tree in the nation, rock columns, and a river suitable for canoeing.

The Indian Mounds Wilderness, in the Sabine National Forest, is the largest of these proposed wilderness areas, and it features a number of unique ecological groupings of plants as well as a permanent spring pool where pioneer wagon trains watered, fossil beds, and petrified rock.

All of these areas are relatively close to major population centers such as Dallas and Houston. The preservation of these unspoiled areas will help to meet the growing demand for recreational areas for our urban population and for tourists from other States while protecting these fragile resources for future enjoyment.

This legislation will also settle any possible questions about the Roadless Area Review and Evaluation process conducted by the U.S. Forest Service. It will specify that the remaining national forest lands in Texas that were studied under the RARE II process, but that are not designated as wilderness by this bill, will be released for normal multiple-use management by the Forest Service. Possible court challenges of the RARE II final environmental statment on these lands will be prohibited.

Mr. President, I am pleased that his compromise bill has been worked out, and I want to recognize two distinguished members of the Texas Congressional delegation, Congressman John Bryant and Congressman Charles Wilson, for their successful efforts to work out this compromise. Congressman Bryant is only in his first term in the House of Representatives, but he has demonstrated his leadership abilities in introducing this legislation in the House and in shepherding it successfully through the long negotiations that have led to this point.

This legislation is supported by a wide range of environmental groups, sportsmen's groups, and others who care deeply about preserving the natural resources that make east Texas such a unique and beatiful area. I share this support for this legislation, and I urge its approval.

STATEMENT OF HON. LLOYD BENTSEN,
A U.S. SENATOR FROM TEXAS, ON S. 1754

Mr. Chairman, I appreciate your consideration in scheduling this hearing on S. 1754, a bill to transfer certain lands, Forest Service lands to the Sabine River Authority of Texas, which is a State agency. All of the Senators from the two States involved, Senator Tower from Texas and Senators Long and Johnston from Louisiana, are cosponsors of this bill.

I am pleased to present to you as a witness on this bill an old friend of mine, the very able executive vice president and general manager of the Sabine River Authority of Texas, Mr. Sam Collins.

Sam and the other witnesses on this bill will be able to answer fully any detailed questions you might have on the legislation

and the need for it, but before I leave that task to them I want to make a few remarks about the bill.

The Federal Government is now in the position of penalizing the States of Texas and Louisiana for having used their own initiative and their own funds to construct this lake. Had Texas and Louisiana used Federal funds they would automatically have been exempt from the fees that are now causing them such problems. This situation is ridiculous, it is sending the wrong signal to State and local governments that the administration is encouraging the more self-reliant, and it should be resolved.

The bill as introduced simply transferred the ownership of the flooded Federal lands, on which a rental charge has been asked, to the Sabine River Authority. However, since that time the U.S. Department of Agriculture has commented on the bill and the U.S. Forest Service has expressed an interest in acquiring certain lands now owned by the Sabine River Authority. In response to these comments and inquiries, we would now propose to amend this bill to make it an exchange of lands rather than a simple transfer. By doing this the suggestions made in Secretary Block's comment letter can be included in the bill. This will both satisfy the USFS interest in acquiring some lands and will conform to the administration policy of seeking comparable value as compensation for the transfer of Federal lands.

This bill gives the Sabine River Authority and conditional property rights to the area subject to inundation by the Toledo Bend Reservoir. The transfer will only be conditional. These lands must only be used as part of the Toledo Bend Reservoir, and if there is any change in their use in the future the lands will revert back to the Federal Government. The Federal Government will retain all mineral rights to these lands. In addition, certain lands sought by the USFS will be transferred from the SRA to the USFS.

This legislation does not change the present use of the land in any way. It only recognizes the current usage and cuts down on the paperwork and red tape curently involved because of the unqiue nature of this project.

The Toledo Bend project is unique, as it is the only interstate reservoir, dam, and powerhouse to be financed, constructed, and operated without Federal funds or participation. The States of Texas and Louisiana joined together to finance and build this project. Although this arrangement has produced great benefits for the citizens of Texs and Louisiana at no cost to the Federal Government, it has also created some unique problems.

Other lakes, built with Federal funds, automatically get certain exemptions along with those Federal funds. The Sabine River Authority did not get these exemptions, because it did not tap the Federal Treasury. Thus the Sabine River Authority is not automatically exempt from paying rental fees for the Federal land which was flooded by this lake. No such fees have been paid by the Sabine River Authority, since they have applied for and received exemptions from the Federal Energy Regulatory

Commission. These exemptions are granted only annually, however, and going through this application process each year is a needless and costly exercise in paperwork.

This land is part of and necessary to the Toledo Bend Reservoir, either as land subject to inundation on as small recreation areas. I see no reason why it should not be transferred to the Sabine River Authority, subject to the strict conditions in this bill, in order to do away with the tedious and unnecessary red tape now associated with this important project.

I appreciate your consideration of this issue, Mr. Chairman, and I urge the approval of this legislation.

STATEMENT OF HON. JIM SASSER,
A U.S. SENATOR FROM TENNESSEE

I wish to express my support for S. 2590, legislation designating portions of the Cherokee National Forest as wilderness. Earlier this month, the House of Representatives, by a vote of 402-12, wholeheartedly approved this Tennessee Wilderness bill. I add my support for wilderness designation in this area, and commend my Tennessee colleagues in the other body for their united support of legislation similar to the bill before this committee today.

Everyone concerned about wilderness protection is gratified by the recent compromise on wilderness release language. The long impass on release language had effectively stalled action on a number of wilderness bills. I am pleased that this compromise appears to pave the way for the inclusion of portions of the Cherokee National Forest as part of the National Wilderness Preservation System.

S. 2590 is an important step towards preserving lands for which the highest and best use is wilderness. The lands to be protected under S. 2590, though only about 8 percent of the total acreage in the southern half of the Cherokee Forest, constitutes some of the finest, most pristine acres in all of Tennessee.

As the only national forest in Tennessee, it is critical that we protect these lands in the Cherokee National Forest. The designation of these lands as wilderness will provide a quiet sanctuary for present and future generations of Americans.

I urge this committee to ratify the action of the other body and approve these lands in the Cherokee National Forest as wilderness.

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STATEMENT OF HON. HOWARD H. BAKER, JR.,
A U.S. SENATOR FROM TENNESSEE

Mr. Chairman, I want to express my appreciation to the Committee on Agiculture for conducting this hearing today regarding the Tennessee Wilderness Act of 1984.

I wholeheartedly recommend to this committee S. 2590 -- the designation or certain lands in "Southern Cherokee" National Forest as wilderness.

Many Tennesseans, including conservation groups, members of industry, the Tennessee Department of Conservation, and Members of Congress have worked diligently to forge this Tennessee wilderness pact. I would especially like to congratulate John Duncan for his leadership in securing the swift passage of this measure in the other body. I would certainly be remiss if I did not mention Governer Alexander, Tennessee's crusader of wilderness heritage, who has maintained an effective State policy in support of the preservation of Tennessee's forests.

Now we in Tennessee have the opportunity to preserve and protect these pristine forest lands for present and future generations to come. This act helps maintain the protection of virgin timber, the rejuvenation of plant life that lies on the brink of extinction, and the preservation of the 80 to 100 foot waterfalls that took thousands of years to form.

I commend the Chairman of the Agriculture Committee, Senator Helms, and Senator McClure, Chairman of the Committee on Energy and Natural Resources, for the efficient compromise on release language that will allow this administration to designate more forest lands as wilderness in the next few years than ever before. This recent agreement has opened doors for protecting valuable resources nationwide.

The preamble to the Wilderness Act of 1964 declared it to be the policy of the Congress to promote an enduring wilderness resource for the American people, and the addition of these lands to the preservation system could only further the progress of this cause.

STATEMENT OF HON. JOHN TOWER,
A U.S. SENATOR FROM TEXAS

Mr. Chairman, it is my privilege to testify before this subcommittee in favor of S. 2598, of which I am a cosponsor. As you know, Mr. Chairman, Texas is the second largest State in the country, yet offers oly a minimal percentage of its land as national wilderness. As the fortunes of our great State have increased, so has its population. While I remain a strong supporter of growth and development, I recognize the need to preserve for this and future generations the spectacular beauty of some of East Texas' most impressive forest lands.

The five areas from which the wilderness will be designated -- Graham Creek, Turkey Hill, Indian Mounds, Big Slough, and Little Creek -- offer a rich and diverse sampling of natural ecosystems. Hardwoods, including the rare mature beech-magnolia forest, and numerous species of wildflowers, particularly rare orchids, are but a sampling of the beauty and history offered by these forest lands. This plant life is complemented by a varied offering of birds, insects, and reptiles.

To set aside less than five percent of the National forest land in Texas as wilderness, represents a modest proposal. The Guadalupe Mountains of West Texas, not easily accessible to most Texans, are the only other wilderness areas in the State. The East Texas areas, however, are close to the population centers of our State, therefore magnifying their recreational potential.

The wilderness designation will prohibit clearcutting and road building; yet certain soil conservation and watershed protection procedures will be allowed. Mineral interests will continue to be held by private sources. Management costs of these areas will be low since wilderness manages itself.

Mr. Chairman, it is my hope that this bill will be dealt with in a practical and expeditious manner, so that we may proceed to preserve these valuable wildlife areas in Texas. I thank the Committee for its consideration of this measure.

I would also like to address the proposals contained in S. 1754, also being considered today by the Subcommittee. Favorable Senate action on this measure is important to our State and will clear up a problem that has needlessly existed for the last 15 years.

In short, S. 1754 will transfer approximately 35,000 acres of Federal land in East Texas to the Sabine River Authority. The land that is being transferred is subject to inundation by the Toledo Bend Reservoir and will continue to be used as part of the Toledo Bend project. If there is any change in that use, the land will revert back to the Federal Government. Also, the Federal Government will retain all mineral rights to these lands.

The development of the Toledo Bend Reservoir was somewhat unique, and as a result, some unique problems arose that are addressed by this legislation. In the 1940's and 1950's, the U.S. Corps Engineers declined to develop a water conservation project on the lower reaches of the Sabine River between Texas and Louisiana because of an unfavorable benefits/cost ratio. Not able to incite interest in such a project at the Federal level, the States of Texas and Louisiana proceeded with plans for construction of the project without Federal funding. In 1955, the Sabine River Authorities of Texas and Louisiana entered into a contractual agreement for the financing, construction, and operation of the jointly-owned Toledo Bend Project. The complicated work to develop this project at a bi-State level proceeded without Federal funding or participation.

In 1963, the Federal Power Commission issued License No. 2305 authoizing the construction of a dam, reservoir, and powerhouse on 35,000 acres of Federal land within the Sabine National Forest at $2.50 per acre, for an annual land charge of $84,000. However, in determining the revenues that would be collected from power sales to meet the required bond premium payments and operation costs, the Sabine River Authorities did not inlcude this $84,000 land use charge as a possible cost. This cost was omitted due to the consideration by both States that the land use charge was unfair and contrary to the intent of Congress.

The States' contention is supported by the fact that lakes constructed with Federal funds automatically qualify for an exemption from the Federal land use charges. Because the Sabine River Authorities did not draw from the Federal Treasury, they were not automatically exempt from the payment of rental fees for the Federal land that was flooded by this lake. When the license was originally accepted by the two States so that construction of the project could begin, it was specifically stated that the Sabine River Authorities reserved the right to contest such annual charges to the States because the project could be operated without profit and thus should be exempt from any such payments. Each year since 1970, the Authorities has applied for exemptions from Federal land use payments. In 1976, after a hearing on the 1970-1973 applications, the exemptions were originally denied. In 1980, after a lengthy appeal, the exemptions for 1971-1978 were granted by the Federal Energy Regulatory Commission. Since that time, FERC has granted exemptions for 1979-1981.

This situation clearly indicates a need for resolution of this matter. Since 1970, the original land use fee of $84,000 has escalated to $442,065 in 1982. Every year the Sabine River Authorities (SRA) must file an application and go through the long process of obtaining an exemption. Every year both the authorities and Federal Government are subjected to needless paperwork and futile exercise in trying to cut Government red tape. The irony of this entire situation is that the Federal Government is currently in the midst of trying to increase the State's responsibility and cost participation in water development, while decreasing its own involvement. The Toledo Bend Project did that very thing 20 years ago and is now being penalized year after year for having the foresight to develop a project without Federal involvement. I see now reason why a water conservation project should be so severely penalized for being two decades ahead of its time.

In my view, the proposals contained in S. 1754 adequately and fairly correct this injustice. Although the current form of the legislation proposes a straight covenyance of these lands to the Sabine River Authority, I am most willing to work with the Committee to modify this provision to include a transfer of land with the USDA Forest Service.

In short, the Toledo Bend Reservoir Project is a success story from all accounts. The Reservoir provides a tremedous recreation resource, provides a great deal of non-polluting hydroelectric power, is a vital source of water for neighboring metropolitan

areas, and has substantially boosted the economy of East Texas. This success story has only one small hitch -- all this was accomplished without Federal money -- thus, the project does not qualify for the exemptions that other projects on the Federal dole enjoy. In my view, S. 1754 will effectively solve this problem. I hope that the Committee will see fit to recommend this legislation favorably for early Senate consideration.

STATEMENT OF HON. WILLIAM F. CLINGER, JR., A REPRESENTATIVE IN CONGRESS FROM THE THIRD DISTRICT OF PENNSYLVANIA

Mr. Chairman, thank you for the opportunity to testify before your subcommittee on the Pennsylvania Wilderness Act of 1984. As you may know, Mr. Chairman, this is a consensus bill that has the unanimous support of the Pennsylvania Delegation in both the House and Senate.

Wilderness proposals for Pennsylvania, and the Allegheny National Forest in particular, were first discussed in Congress 10 years ago. For the last 6 years as the only Representative for the only national forest in the State, I've been in constant contact with every group who has had an interest in the issue.

The result of these deliberations is a compromise bill that attempts to stike a balance between wilderness advocates and opponents. It surely will not satisfy everyone but, more importantly, permits the long-term management of the forest to continue with a degree of necessary certainty into the near future.

H.R. 5076, the Pennsylvania Wilderness Act, as amended by the Interior Committee, and passed by the House, has my fullest approval. In order to address local concerns about the intent of the legislation, I believe that Senate committee report language in the Senate companion bill is needed to permit trapping, and to control insects, diseases, and fires in the proposed Allegheny National Recreation Area. The House report language adequately spoke to these concerns.

Two amendments to S. 2551 may also be required. Firstly, an amendment that substitutes "soft" release language in the House-passed bill with the McClure-Udall compromise release language.

Secondly, the $2 million authorization for mineral rights acquisition in the proposed Hickory Creek wilderness area should be broadened to also include acquisition authority for mineral rights acquisition in the proposed Allegheny Islands Wilderness. Not all mineral rights beneath the Allegheny Islands Wilderness are owned by the Federal Government. The Forest Service testified in support of the $2 million authorization and that the sum was sufficient enough to acquire the mineral rights in both wilderness areas.

However, I do not want to mislead this panel into thinking that the administration supports the House-passed bill. They did ob-

ject to "soft" release language and the proposed Allegheny National Recreation Area on the day H.R. 5076 passed the House by a vote of 387-28. Since the agreement on the McClure-Udall compromise release language was struck, the first objection may be moot if S. 2551 is amended accordingly.

The opposition of the administration to the proposed national recreation area (NRA) is the more difficult problem because this provision is a critical element of the compromise. The NRA designation permits some latitude in managing areas with high recreation potential while owners of subsurface oil, gas, and mineral rights can exercise their development rights. The NRA designation was an ideal middle ground between wilderness and multiple-use management.

I've deliberately kept my statement brief so that this panel may focus on, what I consider, the critical issues left to be resolved by your committee. I will be happy to address in further detail any questions on a modest, but complicated, bill.

STATEMENT OF HON. STEVE BARTLETT, A REPRESENTATIVE IN CONGRESS FROM THE THIRD DISTRICT OF TEXAS

I commend the distinguished members of the Senate Committee on Agriculture, Nutrition, and Forestry for their thorough and expeditious review of the Texas Wilderness bill (H.R. 3788) which I have co-sponsored in the House and which I strongly support. As a co-sponsor of the original version of the bill, designating 63,700 acres as wilderness, and of the current compromise, setting aside a more modest 34,400, I appreciate this opportunity to enter my support into the record of full Senate Committee hearings on this legislation.

Although the largest State in the lower 48, Texas has significantly fewer wilderness areas than designated for smaller States. Of Texas' 168 million acres, only 46,850--just 0.028 percent--are designated as wilderness. In contrast, the State of New Mexico, less than half the size of Texas, has more than 32 times as much designated wilderness. Montana, a little larger than half the size of Texas, has roughly 73 times the wilderness acreage. California, which is about two-thirds the size of Texas, has about 58 times as much wilderness as Texas does.

Your approval of this carefully crafted compromise is critical to the State of Texas for four major reasons. First, there is currently only one area of wilderness designation in the State of Texas. That area is located in West Texas about 600 miles from the East Texas wilderness. No wilderness areas now exist in East Texas and this compromise provides a modest 34,000 acres in East Texas.

Second, the ecosystems is these wilderness areas are not only unique for East Texas, but also are obviously different from ecosystems contained in West Texas wilderness or other wilderness in the United States. These East Texas tracts contain large stands

of longleaf pine, as well as the national champion longleaf pine, the largest Florida basswood, and the largest cherrybark oak in Texas national forests. The Indian Mounds component of this bill preserves distinctive plants such as greenvein orchids and yellow lady's slipper, as well as fossil beds and a permanent spring pool where pioneer wagon trains watered. In preserving these areas, you are protecting not only a unique ecosystem, but also a bit of Texas history. The Upland Island portion is a unique "island" of high ground, surrounded on all sides by creeks or rivers and thus has been preserved from forest fires for centuries.

Third, unlike wilderness areas in many other States, these 34,000 acres are close to urban populations. As a result of recent economic growth and urban expansion, the demand for outdoor recreational opportunities has spiralled. The wilderness areas designated in this bill in East Texas are in fact within less than 5 hours' drive from Houston, San Antonio, and Dallas-Fort Worth. Ten million people live within that 5-hour drive of these wilderness areas. This legislation will allow pristine areas to remain available for nonimpairing recreational uses such as hiking, camping, hunting, horseback riding, and nature study.

Finally, having some of these forests designated as wilderness will add to the diversity and to the enjoyment of the outdoors. I personally have visited the areas several times and I speak from some firsthand enjoyment. The whole concept of preservation and recreation requires a mix of uses. East Texas already has national forests, national parks and Corps of Engineers lakes. We also need designated wilderness areas to complement these other uses.

Texas wilderness areas are a precious natural resource. They are not infinite. The simple fact is that Texas needs this bill to preserve our wilderness lands. With the help of the members of this committee, we can preserve them now for we cannot do it later. These tracts must be protected as part of our Texas heritage for our children and grandchildren to enjoy.

I am aware that some concerns have been raised as to the purported "cost" of this measure. These lands already are owned by the Federal Government, with the exception of some land exchanges, so there will be no cost to the Treasury. In some instances, the Federal Government will be exchanging private land for public land on a roughly equal basis. Such a land swap, as opposed to a purchase and sale agreement, will produce real dollar savings to the taxpayer in terms of time and red tape.

I wish to congratulate and thank my colleagues in the Texas delegation, Senator Lloyd Bentsen and Senator John Tower for cosponsoring this important compromise measure to meet a critical need for wilderness preservation and accessible wilderness recreation in our State. I commend H.R. 3788 to your attention and urge that you approve it today.

STATEMENT OF HON. JOHN BRYANT, A REPRESENTATIVE
IN CONGRESS FROM THE FIFTH DISTRICT OF TEXAS

Mr. Chairman, I am pleased to come before you today to testify in favor of H.R. 3788 and S. 2598. I represent the legions of citizens, public interest organizations, and environmental groups throughout my State and the Nation who have struggled long and tirelessly to preserve for all time, as wilderness, some of the most unusual and scenic woodlands in the world which are located in my home State of Texas.

Today, after many months of delicate and, occasionally frustrating negotiations spearheaded by Congressman John Seiberling, I ask this committee to approve H.R. 3788 or S. 2598, the Texas Wilderness bill.

This compromise measure secures for generations to come 34,400 acres - five relatively small, but spectacular tracts in the four national forests of east Texas. Enactment of this legislation will provide the only wilderness areas within convenient reach of a majority of Texans and many other wilderness enthusiasts.

While I initially sought to place a much larger area within the National Wilderness Preservation System, I am satisfied that Texans will have the opportunity to visit and enjoy some of the finest examples of our dwindling natural heritage in its most pristine form, if this bill becomes law.

In addition to the natural physical beauty of these wilderness areas, which will almost double the amount of wilderness acreage in Texas, these forests contain an array of champion trees and various species of plants and animals which exists in few, if any other places in this Nation or the world.

By preserving these few acres--less than one-quarter of 1 percent of all the commercial timberland in Texas--we will protect forever an irreplaceable bit of our natural heritage.

In spite of its vast 171.1 million acres and astounding population growth, Texas now has only one small parcel of wilderness--46,850 acres in the remote Guadalupe National Park of far west Texas. This compares with more than 80 million acres designated in other States since 1964. The distance of Guadalupe National Park from the major population centers in the eastern half of Texas removes it from general access and significant human enjoyment.

Each of the five forest areas designated as wilderness in this compromise bill is within easy driving distance of Dallas, Fort Worth, Houston, San Antonio, Austin, and other metropolitan areas where most Texans live and work. Each tract of forest is composed entirely of public lands. Each is unique. And each--without the essential wilderness designation we seek today--would eventually be clearcut to bare ground for commercial timber.

The astounding population growth in Texas--due in large measure to vast migration from the Northeast--constitutes a severe threat

to Texas' once lavish and numerous natural areas. Enactment of this legislation--will help keep a tiny piece of Texas as it was; still is; and so should remain.

Only by giving these areas--which are prime examples of nature's beauty and abundance--wilderness designation, will our children and grandchildren know what so much of Texas was like when their ancestors first explored and settled what is now east Texas. Only with wilderness designation will these areas continue to be as desirable as they are today for hunting, fishing, hiking, camping, and nature studies.

I would like to note my gratitude to two of my colleagues, without whose diligence, cooperation, and good faith commitment, this Texas wilderness legislation would continue to be only the dream that it has been for two decades.

Congressman Charles Wilson, my colleague from Texas, who well represented the divergent interests of his district during our lengthy negotiations, and Congressman John Seiberling, the Chairman of the Subcommittee on Public Lands and National Parks of the House Interior and Insular Affairs Committee who forged the compromise, worked long and hard on the version of the Texas wilderness bill before you today and deserve not only my thanks, but also the appreciation of the people of Texas and all wilderness advocates. Texas' Senators, Mr. Bentsen and Mr. Tower, likewise deserve applause for their introduction of the companion bill. Each has earned my gratitude and the appreciation of the people of Texas and the Nation.

The amount of forest land in this bill is small. There are 12.5 million acres of commercial timberland in east Texas, of which 94 percent is privately owned and only 576,000 acres are National Forests. Wilderness designation is the only cost-free means of saving these examples of our natural heritage. That is one reason that hunting groups like the Sportsmen's Clubs of Texas, the Houston Sportsmen's Association, and the Texas Independent Birdhunters Association has joined with nonpartisan civic organizations like the Texas League of Women Voters and virtually every conservation and environmental protection organization in the State to endorse this legislation.

Today, I ask you, the members of the U.S. Senate Committee on Agriculture to vote for H.R. 3788 or S. 2598 to preserve for future generations a small part of Texas as it is today.

STATEMENT OF
J. LAMAR BEASLEY
DEPUTY CHIEF, PROGRAMS AND LEGISLATION
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to join with the Subcommittee in its deliberation of several bills that would designate portions of the National Forests in Tennessee, Pennsylvania and Texas as components of the National Wilderness Preservation System. With the exception of the sufficiency and release language, the House-passed bills are nearly identical to their Senate counterparts. The House-passed bill H.R. 3788, designating wilderness in Texas, contains the recently adopted Senate-House compromise language on release of nonwilderness areas. We prefer that language over that in the introduced Senate versions and urge its incorporation into the Pennsylvania and Tennessee bills. We will also discuss S. 1754, which would direct the Secretary of Agriculture to convey about 34,000 acres of National Forest System land in Texas to the Sabine River Authority.

S. 2590/H.R. 4263 - The "Tennessee Wilderness Act of 1984."

S. 2590 and H.R. 4263 would designate three new wilderness areas on the Cherokee National Forest in Tennessee--Bald River Gorge, Citico Creek and Big Frog --totaling 24,942 acres. The Department recommends enactment of H.R. 4263 if amended to incorporate the new compromise release language.

The 3,887-acre Bald River Gorge was recommended as wilderness in the RARE II Final Environmental Impact Statement. Bald River Gorge is very scenic. The terrain is extremely rough for the southern Appalachians and includes a good sized stream with many small falls and rapids. The Department of Agriculture continues to support wilderness designation for this area.

The 1975 Eastern Wilderness Act established Citico Creek and Big Frog as wilderness study areas. Citico Creek totals 16,000 acres, and Big Frog totals 4,502 acres. Adjacent to Big Frog is the original 553-acre Big Frog Addition which is now included as part of the proposed Big Frog Wilderness in these bills. These areas were identified for further planning through RARE II.

Citico Creek is dominated by three steeply sloped ridges leading west from the main long, high ridge. The area possesses features infrequently found throughout the surrounding areas such as waterfalls and virgin timber. Big

Frog is generally undisturbed in character with a continuous vegetative cover and rugged, scenic terrain.

Extensive studies and public involvement have been completed on these three areas. These studies are sufficiently far along that we can support designation of the areas as wilderness. Only limited resource development activity would be foregone by wilderness designation.

We are concerned that the bills are not Statewide and do not deal with lands in the northern portion of the Cherokee National Forest. We urge that the bills be expanded to include all areas in the State.

S. 2551/H.R. 5076 - The "Pennsylvania Wilderness Act of 1984."

S. 2551 and H.R. 5076 represent a Statewide designation of certain National Forest System lands within Pennsylvania for inclusion in the National Wilderness Preservation System. The bills would also designate an additional area as a National Recreation Area.

The Department recommends enactment of H.R. 5076 if amended as described in my testimony. Both bills would establish two wildernesses--the Allegheny Islands Wilderness, and the Hickory Creek Wilderness--totaling 9,708 acres.

The Allegheny Islands were recommended for wilderness designation in the RARE II Final Environmental Impact Statement which was issued in 1979. This area comprises approximately 368 acres scattered among seven islands in the Allegheny River. The islands include all ages and sizes of trees including virgin stands with specimens over 4 feet in diameter. Extremely dense herbaceous undergrowth also occurs with ferns reaching 6-7 feet in height. The Department supports designation of the Allegheny Islands as wilderness.

The 9,340-acre Hickory Creek area was identified for further planning during the RARE II process. We are currently studying the wilderness suitability of this area as part of the Forest planning process. Hickory Creek is characterized by a mixed hardwood forest on relatively gentle terrain. A variety of wildlife inhabit the area.

We would prefer to complete Forest planning before making recommendations on wilderness suitability of Hickory Creek. However, for the following reasons, we do not object to its designation as wilderness. There is presently no designated wilderness in Pennsylvania, and this is the most appropriate area

to designate in terms of wilderness and other resource values. In addition, we have specific appraisal data to support the authorization figure in the bill, and the costs are relatively modest.

The bill authorizes purchase of interests in lands in Hickory Creek including oil, gas, and other mineral interests. Hickory Creek is small, and likely oil and gas development on Hickory Creek would impact the area in a manner inconsistent with its wilderness designation. While the Administration generally does not support purchase of mineral interests, it would be essential to acquire the mineral interests on Hickory Creek and Allegheny Islands if they are designated for wilderness. It is our understanding that the western Pennsylvania Conservancy has an option to purchase the mineral interests for the majority of the Hickory Creek area with the objective of selling them to the United States. We would support acquisition of these interests, subject to overall budget authorities and appropriation action. An appraisal has been completed. Indications are that the purchase authorization of $2 million in the bill would be adequate for purchase of the mineral interests in both Hickory Creek and Allegheny Islands.

We oppose establishment of the National Recreation Area (NRA) proposed in H.R. 5076 and S. 2551. The NRA would include the Cornplanter, Allegheny Front, and Tracy Ridge areas studied in the RARE II process as well as the northern portion of the Allegheny Reservoir (filled in 1964 by Corps of Engineers for flood control) for a total of 23,100 acres. The National Recreation Area would be in two sections approximately 15 miles apart. Very little of the mineral estate in the proposed National Recreation Area is in United States ownership, and all activities in the National Recreation Area are subject to valid existing rights.

We understand that the proposal for a National Recreation Area was a result of trying to blend the needs for economical oil and gas development with the desire for specific types of recreation uses. This is basically how the area is currently being managed and will likely be managed in the future. We believe the objectives described in the bill can be met without designation as a National Recreation Area. A National Recreation Area divided into two segments would be difficult to administer and confusing to the public. Establishing an NRA creates a public presumption that commodity resources will not be developed and that much more intensive and costly recreation development

will occur than is likely. Thus, we strongly recommend that the proposal for the National Recreation Area be deleted from the bill.

Again, we recommend the new Senate-House compromise release language be added to the bills.

S. 2598/H.R. 3788 - The "Texas Wilderness Act of 1984."

With regard to S. 2598 and H.R. 3788, the Department of Agriculture has major objections to these bills, particularly with regard to the land exchanges and timber sale termination provisions in section 4. Hence, we must strongly oppose enactment of either bill unless these provisions are substantially revised or deleted.

Both bills would designate five wilderness areas on the Texas National Forests, the first such designations on this Forest and the first wilderness areas to be established in east Texas. About 34,400 acres are involved. We support the establishment of appropriate wilderness areas in east Texas. However, this designation is far greater than that included in the RARE II study, which recommended designation of three areas totaling 8,790 acres. The three areas so recommended--Little Lake Creek, Big Slough and Turkey Hill--although modified, would be designated by the bill. The Indian Mounds areas of 10,000 acres was recommended for nonwilderness, and a portion of the Upland Island area (known as Graham Creek in RARE II), was recommended for further planning. We have concerns with the designations of these latter two areas, particularly with regard to roads and other development that are present in them. While we feel it inappropriate that these areas be designated, our major objection, and the principal reason for opposing the bills, is the land exchanges and timber sale terminations that would occur on these two areas and on the Little Lake Creek area. These provisions were added to H.R. 3788 by the House Interior and Insular Affairs Committee after the Department of Agriculture testified on the bills. We were not involved in their consideration nor asked to provide an evaluation of the appropriateness of their inclusion in the bill.

The land exchange mandated by the bills would require about 2,725 acres of National Forest land to be exchanged for about 2,735 acres of land owned by the Temple-Eastex Corporation, a forest products manufacturing concern headquartered in Diboll, Texas. We agree with the desirability of land exchanges with this corporation. Their holdings and those of the National Forest are intermingled and exchanges

to consolidate holdings would be mutually beneficial. We had already initiated discussions with the company on some of these lands and other lands, before the exchange provisions were inserted in the bill. We would also support the exchanges on the basis that section 5 of the Wilderness Act encourages such exchanges. However, this land exchange, involving nearly equal acres, has several objectionable features. We should also note that other private land holdings would remain in the wilderness areas, were this exchange to be made. We estimate the value of the National Forest land, based on preliminary appraisals that consider recently obtained transaction evidence from comparable land sales in the area, to be as much as $1.6 million more valuable than the private lands. The difference in value is mainly attributable to the larger volume and better quality of the timber stands on the National Forest lands. Our examinations of value of the private lands did consider their potential for recreation and subdivision development. A tract lying near the Texas side of the Toledo Bend Reservoir has been identified as possibly having such potential. In our consideration of the physical and market conditions of the tract, we determined that such use is not practical and that the highest and best use of the tract is as timberland. The other tracts are not near the reservoir and are not desirable for development.

The Forest Service regularly carries out land exchanges with private parties under several authorities. These require an equal value transaction, based on fair market value. We strongly recommend that any land exchange envisioned by the bills to reduce private inholdings in the wilderness areas be carried out under existing authorities. This would require a reduction in the acreage of National Forest System land to be included.

The bills would require the land exchanges to be completed within 90 days. Such a severe time constraint would preclude several actions normally associated with land exchanges. We recognize that the bills contemplates this "short-cut" procedure, but nevertheless believe that some actions, such as a survey of the tracts, are essential. Such actions would require a minimum of 180 days. The bills preclude an exchange of mineral interests. We disagree with this. These interests should be a part of the exchange, if both parties agree, and the mineral interests are included in the value of the lands exchanged. This would be accomplished if the exchange were made under existing authorities.

The exchange provision in the bills appears to convey private lands in excess of that needed to remove the inholdings within the proposed wilderness areas. We find that, based on the tract numbers specified in the bills, the tracts lie both within and outside the wilderness areas. We estimate that of the 2,735 acres of the company lands to be exchanged, only 2,163 acres lie inside the proposed areas and 572 acres are outside the areas.

Because of these several concerns, we urge the Subcommittee to revise the provision in section 4(a) of the bills to simply direct the Secretary of Agriculture to expeditiously complete an appropriate exchange of privately owned lands within the two wilderness areas under existing authorities.

Section 4(b) of the bills would require termination of timber sales already under contract in three of the areas to be designated. This would affect sales to four purchasers. Cutting is underway on one sale; roads have been constructed prior to cutting on another. No action has occurred on the other two, with regard to that portion of the sale within the area. Compensation for one sale is specified in the bill--the Department of Agriculture would be required to provide the buyer, the St. Regis Paper Company, with timber elsewhere on the National Forest of approximately equal volume and value. Compensation for terminating the other three sales would presumably be handled under terms of the timber sale contract. These would require payment of damages by the Government that would cover the purchaser's out-of-pocket expenses incurred in connection with the sale. Purchasers may also be entitled to reimbursement of costs of obtaining replacement timber. The sale on which road construction has been completed and the purchaser has accumulated credits in the amount of $87,534, would require reimbursement of those credits. Terminating the sales will be costly; we estimate a total of $257,000, including administrative costs and damages.

We believe a more appropriate action would be to delete the timber sale areas from the bills. We have provided the Subcommittee with maps showing these areas with our recommendations.

The costs required to implement the provisions of S. 2598 and H.R. 3788 would be higher than those we normally encounter. We estimate that the necessary planning, and the surveying and posting of the wilderness boundaries and related activities, would cost $500,000 over the next 5 years. This is due primarily to the extensive boundaries involved--there are approximately 140 miles of boundaries around the 5 areas--and the need to close and obliterate roads.

Mr. Chairman, we want to assure the Subcommittee that we support some wilderness designations in east Texas, and encourage you to act favorably on legislation to do so. However, we cannot accept legislation that contains the land exchange and timber sale termination requirements. Unless these issues can be resolved--and we will work with you to accomplish this--we must very strongly oppose the enactment of S. 2598 and H.R. 3788.

S. 1754 -To direct the conveyance of 34,000 acres of National Forest System lands in Texas to the Sabine River Authority.

S. 1754 would require the Secretary of Agriculture to convey about 34,000 acres of land in the Sabine National Forest, Texas, to the Sabine River Authority without consideration. We strongly oppose this legislation unless amended to provide for conveyance at fair market value.

The lands in question lie within the project boundary of the Toledo Bend Dam and Reservoir. The reservoir is managed by the Sabine River Authority in accordance with the terms and conditions of a license issued by the Federal Energy Regulatory Commission. Most of the acreage is permanently flooded. Some of the lands, however, lie between the reservoir's normal, or conservation, pool and the flood pool, a strip of land represented by a 3 foot difference in elevation. A sizeable area of National Forest land occurs in this area, including portions of five parcels of National Forest recreational lands. It is our view that the bill would convey some lands which should be retained by the Forest Service.

On the other hand, we believe the bill offers opportunities to clear up some administrative issues and also to provide for more efficient management of the National Forest lands around the reservoir. A land conveyance to the Authority may be an appropriate action in this regard. To accomplish this, however, we recommend that the bill be amended to conform to our land exchange authorities, and to the Administration's policy of seeking fair market value consideration for Federal lands conveyed. Any conveyance should be subject to easements and recreational development rights reserved to the United States where such rights are necessary for administration of related National Forest lands. A conveyance could be by sale, if the legislation specifically authorized it, as well as exchange. We have initiated discussions with the Authority, at the encouragement of the House Agriculture Committee, to determine the conditions and values involved in such a conveyance. It

may be necessary to revise the bill to reflect these negotiations. We will keep the Committee fully informed as these negotiations progress.

Mr. Chairman, thank you for the opportunity to present testimony on these seven bills affecting National Forest System lands. I would be happy to answer your questions.

38-023 O—84——5

STATEMENT OF WALTER L. CRILEY, PLANNING DIRECTOR
TENNESSEE DEPARTMENT OF CONSERVATION

I am pleased to be here today to speak on behalf of Governor Lamar Alexander and Commissioner of Conservation Charles A. Howell, III, of Tennessee in support of Senate Bill 2590 by Senators Baker and Sasser which designates certain lands in the southern portion of Cherokee National Forest of Tennessee (our only national forest) as wilderness areas to be included in the National Wilderness Preservation System.

The Cherokee National Forest contains about 650,000 of our State's total 29 million acres, and within it are some of the best candidates for wilderness in Tennessee. The total acreage in State owned forests in Tennessee is only about 150,000 acres, and this is scattered in 13 locations which range in size from 1200 to 35,000 acres. Our State park system has another 60 some tracts with another 150,000 acres and ranging in size from 2 acres to 546,000 acres. There is little area in the State owned forest or park systems for designation as wilderness.

Wilderness designation for the Citico Creek Area (ca. 16,000 acres), the Big Frog Mountain Area (5055 acres) and the Bald River Gorge Area (3887 acres) offers many benefits to the nation, to Tennessee and to residents within the region. Some of these benefits include:

1) Provision of large areas of wildlife habitat capable of supporting large mammals such as black bear and mountain lion.

2) Protection for plants or animals that are endangered, threatened or of special concern in Tennessee, the region, or throughout their ranges. Recent studies of the indigenous floras of two of these areas, for instance, revealed that a number of rare plants inhabit them. Nine rare plant species are now known from the Big Frog Mountain Area and seven are known from the Citico Creek Area.

3) Better protection of the water quality and aquatic ecosystems within the designated areas and the watersheds downstream from them.

4) Protection for us all of some of the most pristine natural environments in Tennessee to be enjoyed by those who wish to hike, camp or hunt in a setting like the early settlers of this country would have experienced. The Smoky Mountains National Park attracts 8 to 9 million visitors each year. Additional wilderness in the adjacent Cherokee National Forest lying both north and south of the nations most visited national park would relieve the Smokies of overcrowding and provide opportunities for wilderness hunting and fishing not available in the National Park setting. Both Governor Alexander and Commissioner of Conservation Howell have recently testified in support of wilderness designation for the Great Smoky Mountains National Park (S. 1947 and H.R. 4262). We believe that Tennessee will benefit greatly because of the wilderness designations proposed in S. 2590. These areas can only complement the Smoky Mountains National Park, the Big South Fork National River and Recreational Area and State owned parks, forests and natural areas.

I believe that the concept of multiple use management for forests must demonstrate the need for untouched wilderness as well as managing timber and other resources. Good forestry should demonstrate both man's intervention AND the works of nature. During the RARE II (i.e., Roadless Area Review and Evaluation by the National Forest Service) wilderness evaluations of the late 1970's, many areas in the Cheorkee National Forest were rejected as unsuitable for wilderness designation for a variety of reasons. An inability to estimate current or future need and demand for wilderness seems to have been a factor. As part of the Draft Environmental Impact Statement for the Citico Creek and Big Frog Wilderness Study Areas in 1982, the Cherokee National Forest staff analyzed this problem, but their analysis was flawed. They devised a formula to estimate need for wilderness. They assumed that an estimate of current use equaled demand for wilderness. Since only on-site visitors were considered, it ignored the intrinsic values of wilderness derived vicariously by many non-visitors. Hendee et al. (1978), a respected wilderness researcher for the U. S. Forest Service, recognized the importance of this component of wilderness used and speculated that "the number of vicarious and other indirect users is probably greater than the number of actual visitors". The support for Alaskan

wilderness by people from the "continental 48" demonstrated this. Even though few of us will ever fully experience Alaskan wilderness, we know about it through films, books and stories and just appreciate it for its intrinsic values. Hendee et al. admit that any estimate of the amount of indirect use would be very difficuilt to make. This may explain why they and other wilderness experts have not, themselves, devised a formula to determine demand for wilderness.

A second flaw in the needs analysis for the Cherokee was that the forest planners limited the analysis to the next 10 years. Foresters are generally considered to be long term thinkers since they plant trees now for a projected demand 30-100 years away, but they were short-sighted in this instance. Projecting beyond 10 years wth their formula indicates an increasing wilderness deficit. Many forest resource planners agree that there is going to be an increasing demand for wilderness. The Environmental Impact Statements acknowledge that wilderness use in the areas evaluated has been nearly twice the national average in rate of increase during recent years. This is consistent with what one would expect from the population growth in the Southeast. The percent net migration into Tennessee, for instance, was 9.9% between 1970-80 (Leuthold, 1982) and is projected to be 8.3% for the 1980-90 decade (Tennessee Forest Resources Plan). It is also noteworthy that people in the 20-44 age group make up the bulk of net migrants into Tennessee. They are more likely to use wilderness than those in younger or older age groups.

Because of this perceived future demand for wilderness in Tennessee that could exceed the carrying capacity of those areas already designated, we can endorse the areas named in S. 2590 for immediate wilderness designation or, in the cases of Little Frog Mountain and the 3000 acre Big Frog addition, for wilderness study.

With reference to earlier positions on wilderness endorsed by the State (See Documents A-D introduced by Commissioner Charles A. Howell, III, into the House record in support of H. R. 4263), we endorse S. 2590 with only a few minor changes to reflect recent amendments to the bill that passed in the House and the subsequent compromise on "release language" agreed to by House and Senate leaders. We recommend only the following changes to S. 2590:

1. Change the maps and acreage figures for Citico Creek and the Big Frog Addition proposal to be consistent with those in H. R. 4263.

2. Change the Big Frog Addition (ca. 3000 acre proposal) from a Wilderness Study Area and, instead, direct the Forest Service to study this area for wilderness potential and possible designation during the preparation of the current land management plan.

3. Alter the release language to reflect the agreed upon compromise; i.e., that the anticipated wilderness review period will occur every 10-15 years as part of the forest-wide plan, and that if the plan is amended during any 10-15 year interval, it will not be necessary to reassess for wilderness areas with each revision.

4. It should be stated that the new release language only applies to Polk and Monroe counties. Several worthy candidates for wilderness exist in the portion of the Cherokee north of the Great Smokies and which will be the subject of a future bill.

Governor Alexander and Commissioner Howell are strongly supporting a bill that would convert the Land and Water Conservation Fund Act of 1965 and the Historic Preservation Fund Act to a true trust fund (H. R. 5090). This fund would in turn act as a repository for funds derived from national natural resource wealth consumption. This allows the one-time depletion of the resource to serve as a capital endowment for the Land and Water Conservation Fund program. When you designate Wilderness Areas or areas which in years can become wilderness, you also are banking in a trust the ingredients for the preservation of our "natural diversity"--for the benefits both extrinsic and intrinsic now and for the future. This is a commitment we should be prepared to make for those who will follow us.

We believe that our nation must continue to identify, plan for and preserve qualified wilderness areas.

Contrary to popular assumption, a wilderness area is not "locked-up", but remains as an example of nature's management of land that is available for hiking, hunting, fishing and backcountry camping and for water quality enhancement.

Tennesseans will benefit from wilderness designation for these areas within our borders, just as all lives are enriched at some point, either directly or vicariously, by the preservation of wilderness components of our natural heritage.

We know of no significant loss of timber or mineral production caused by these designations.

Thank you for your attention.

STATEMENT OF WILLIAM H. SKELTON, CHAIRPERSON
CHEROKEE NATIONAL FOREST WILDERNESS COALITION

I am very happy to be here today to testify for our Tennessee wilderness. I am testifying as Chairperson of the Cherokee National Forest Wilderness Coalition, a coalition of most Tennessee environmental groups interested in the preservation and use of wilderness areas. A list of the members of our Coalition is attached to the written copies of my testimony.

Since the passage of the 1964 Wilderness Act, Tennessee conservationists have been actively pursuing the protection as wilderness of four outstanding natural areas located in the southern portion of the Cherokee National Forest. The result of that effort is a compromise bill introduced in the House of Representatives as H.R. 4263 by Congressman John Duncan of Tennessee's Second Congressional District, where the areas in question are located, and co-sponsored by most of Tennessee's Congresspersons, and the bill before this Subcommittee, S. 2590, introduced by Tennessee's senators, Howard Baker and James Sasser. H.R. 4263 was passed by the House of Representatives on May 1, 1984, by a vote of 404 to 12, with all Tennessee congresspersons voting for the bill. Such bipartisan support is, of course, also reflected on the Senate side by the joint introduction of S. 2590 by Senators Baker and Sasser.

We believe that S. 2590 embodies a compromise with regard to areas and acreage that is satisfactory with the vast bulk of people who are interested in the southern portion of the Cherokee National Forest. The details of this compromise have been worked out at numerous meetings between environmentalists, hunters and recreational users of the areas, and in negotiations involved in the passage of H.R. 4263. We are hopeful that the Senate will now pass this compromise bill.

S. 2590 applies only to the southern portion of the Cherokee National Forest, as does the release language therein contained, since we are still in the process of working toward a compromise bill for the upper portion of the Cherokee National Forest. The two portions of the Cherokee National Forest are separated by the Great Smoky Mountains National Park and are located in different Congressional Districts, with Congressman James Quillen's district encompassing all of the northern portion of the Cherokee National Forest. We are hopeful that, with Congressman Quillen's assistance, we can have a bill introduced for the northern portion of the Cherokee National Forest which likewise resolves the wilderness controversy in that area.

I would now like to discuss in more detail the areas included in S. 2590. As indicated, all of these areas are located south of the Great Smoky Mountains National Park since S. 2590 is limited to the portions of the Cherokee National Forest located south of the Smokies. The southern portion of the Cherokee National Forest consists of 298,526 total acres; S. 2590 will provide for wilderness designation or wilderness study area classification of 32,742 acres of that total acreage. Since there are presently only 8,069 acres of wilderness in the lower portion of the Cherokee National Forest, or 2.7% thereof, the additional acreage will result in a total of 40,811 acres in the southern portion of the Cherokee National Forest

which are protected under a wilderness category, or 13.7%. The balance of the Cherokee National Forest located south of Smokies will be subject to multiple uses other than wilderness.

I have hiked on many occasions in all four of the areas included in S. 2590 and can personally tell you that they are worthy candidates for wilderness designation. Let me tell you some of the characteristics of each area.

Citico Creek

Located about ten miles northeast of Tellico Plains, Tennessee, this approximately 16,000 acre area is the second largest RARE II inventory area in Tennessee. The area is one of outstanding natural beauty, as was recognized by Congress in designating it a Wilderness Study Area in 1974. The steep terrain of the area is densely forested with five percent virgin timber. A network of streams and several entire watersheds flow through the area. The area contains a seventy to eighty-foot waterfall which is surrounded by a large tract of virgin hemlock and cove hardwoods. Numerous other falls are located throughout the area. The area is contiguous to the Slickrock-Joyce Kilmer Wilderness Area, thus providing the potential for a unique, large wilderness area in the Southern Appalachians. The area is home to numerous rare and threatened plants and animals. The area was placed in the "Future Planning' category in the Forest Service's final RARE II Environmental Statement, and all of the area's acreage is owned by the Forest Service. The Tennessee Chapter of the Sierra Club has just recently published a large-format typographical map/hiking guide to this area because of its outstanding characteristics and our desire to help other people get to know and experience the area.

Big Frog Mountain

Located on the Tennessee-Georgia state line about ten miles southeast of Benton, Tennessee, this approximately 5,055 acre area (plus approximately 3,000 acres to be mandated for study by the Forest Service) includes the highest point in the southern Cherokee National Forest and is characterized by a lush and varied forest. There are stands of virgin timber in the area, a rich variety of plants and animals, including game species, and numerous hiking trails by which the area can be enjoyed. The diversity and natural beauty of this area was recognized by Congress in designating it as a Wilderness Study Area in 1974. The area was placed in the "Further Planning" category in the Forest Service's final RARE II Environmental Statement. All of the area's acreage is owned by the Forest Service. The area is located adjacent to the Cohutta Wilderness in Georgia; again, because of the combination of the two areas, a large area would be created which would provide an outstanding wilderness experience. I am told that Big Frog Mountain is the highest mountain between the western most portions of the Appalachian and the Colorado Mountains. Big Frog Mountain at 4,224 feet is therefore an appropriate peak with which to begin the Appalachians.

Bald River Gorge Wilderness

Located about seven miles southeast of Tellico Plains, Tennessee, this 3,887 acre area includes the unique and beautiful Bald River Gorge which culminates in the spectacular 120 foot Bald River Falls. The entire area is characterized by steep slopes that

rule out any significant timber harvesting or road building. Mature forests, a large mountain stream, and the steep gorge are all accessible by an existing hiking trail through the area. Large white pine and hemlock grace the banks of Bald River at many points. The Forest Service recognized the area's pristine, natural qualities by placing the area in the "Wilderness" category in the Forest Service's final RARE II Environmental Statement. All of the area's acreage is owned by the Forest Service.

Little Frog Mountain Wilderness

Located about six miles northwest of Copperhill, Tennessee, this 4,800 acre area is a small but ruggedly beautiful portion of the southern Cherokee National Forest. It is highlighted by the long ridge of Little Frog Mountain, which provides vistas of dense second growth hardwood. At least two endangered plants are found in the area and numerous species of flora and fauna are present which are deemed to be of "special concern." Two hiking trails extend through the area and are easily accessible from State Highway 64. The area was placed in the "Further Planning" category in the Forest Service's final RARE II Environmental Statement. All of the area's acreage is owned by the Forest Service.

These areas deserve the wilderness protection afforded by S. 2590. Now I would like to mention several minor modifications to S. 2590 which I believe are satisfactory with Senators Baker and Sasser and other interested parties. The purpose of these modifications is essentially to amend S. 2590 to read the same as H.R. 4263, except for the substitution of the recently agreed upon compromise release language. The reasons for this suggestion are as follows: first, to avoid the need for conference committee consideration of two different bills; second, the changes are not substantial, i.e., the same four areas are involved in both H.R. 4263 and S. 2590; and, third, H.R. 4263, which was passed after S. 2590 was drafted and introduced, embodies several compromises and agreements that could not be reflected in S. 2590 because of the timing involved. These compromises and agreements were made with the consent of Congressman John Duncan and the U. S. Forest Service. They include the following:

1. The maps referred to in H.R. 4263 are more recent, updated maps prepared by the U. S. Forest Service than the maps referred to in S. 2590; there are several minor modifications in such maps to the Citico Creek boundaries.

2. The map of the 3,000 acre addition to the Big Frog area referred to in H.R. 4263 has been modified from the map referred to in S. 2590, in order to obtain Forest Service support, for the purpose of excluding acreage under contract for timber cutting and several prior clearcuts.

3. The 3,000 acre addition to the Big Frog area is not designated a wilderness study area in H.R. 4263 as it is in S.2590; instead, it is excluded from the release language and the Forest Service is directed to study such addition for wilderness during the preparation of the initial land management plan. We are hopeful that such addition will subsequently be recommended for wilderness protection by the Forest Service. The addition is of equal wilderness character, would protect several valleys leading up to the higher mountains, is the result of a compromise among all interested

parties as to boundaries, and does not have any public opposition.

As indicated above, any Senate bill is also expected to be amended to include the new compromise release language recently agreed upon by the key congressmen and senators. H.R. 4263 will likewise have to be amended in this respect. Such compromise language is, of course, satisfactory to our Coalition. It is very important to note that the incorporation of such compromise language into the bill should be carefully drafted in order to ensure that the release language only applies to Polk and Monroe Counties; the bill does not apply to the balance of the Cherokee National Forest.

In summary, I believe S. 2590, with the above indicated modifications, is a satisfactory resolution of the wilderness controversy for the southern portion of the Cherokee National Forest. We are hopeful that a similar resolution can subsequently be reached for the northern portion of the Cherokee National Forest. S. 2590 protects the very best of such southern portion of the Cherokee and will provide the citizens of eastern Tennessee and, indeed, the nation, with opportunities for outstanding wilderness experiences in coming years. These areas deserve to be protected; without such protection, we can expect, indeed, the Forest Service has assured us, these areas will be subjected to non-wilderness uses. Accordingly, I strongly urge this Subcommittee, the United States Senate, and the President to protect these areas under the Wilderness Act during 1984.

MEMBERS OF THE CHEROKEE NATIONAL FOREST WILDERNESS COALITION

Tennessee Chapter, Sierra Club

Tennessee Citizens for Wilderness Planning

Tennessee Audubon Council

Chattanooga Trout Association

Mid-Appalachian Highlands Club

East Tennessee State University Hiking Club

Chota Canoe Club

Tennessee Scenic Rivers Association

Tennessee Trails Association

Tennessee Council, Trout Unlimited

Smoky Mountain Hiking Club

University of Tennessee Canoe and Hiking Club

Lakeway Chapter, Izaak Walton League of America

Tennessee Ornithological Society

Tennessee Chapter, Friends of the Earth

STATEMENT OF EDWARD C. FRITZ, CHAIRMAN
TEXAS COMMITTEE ON NATURAL RESOURCES

The Texas Committee on Natural Resources urges the enactment of S. 2598 exactly as filed by Senators Bentsen and Tower. The bill reflects a long process of compromise which the Senate will hopefully respect.

By trading for 2,371 acres of previously private land and working them into our Upland Island and Indian Mounds wildernesses, the sponsors of this bill are vastly improving these areas for present and future generations. Without the trades, private holdings would cut deeply into these wildernesses, almost separating parts of them.

The trade provides an additional advantage - the addition of Rock Hill and Sand Hill, higher than any other points in the East Texas national forest. From these hills in the Indian Mounds area, you can enjoy a view over Toledo Bend Reservoir, about a mile away. Although the ascent is smooth climbing, the hills lend challenge to the wilderness experience to the botanist and geologist. These hills present some features different from others in our forests.

We commend Temple-Eastex, Inc., for being willing to make these trades and to cancel their purchases of timber in northern Indian Mounds, thereby saving the upper Hurricane Bayou watershed from being clearcut. Temple-Eastex did this with no demand for reimbursement for its expenditures in preparing for the purchase. We also commend St. Regis Paper Company and others for similar sales cancellations.

While lamenting the loss of five proposed areas (containing 30,000 acres) to Forest Service clearcutting, we appreciate the selection of five excellent representations of our East Texas natural heritage.

For example, Upland Island contains the greatest known diversity of plant communities in Texas, including the disappearing Longleaf pine/Bluejack oak upland parkland; Indian Mounds features the largest remaining stands of the vanishing beech/magnolia association; Turkey Hill includes a jungle-like, closed canopy forest with an understory rich in Pawpaws; Big Slough has an island of Water oaks and Swamp Chestnut oaks bordered by Overcup oaks and the unusual Planar trees; Little Lake Creek furnishes a cross-section of the plant associations on the southwestern edge of the Gulf coastal plains, including an old bottomland hardwood habitat.

Each of the areas has some species not found in the others. Each is comprised of a different geological formation and soil.

In addition to ecological values, the five East Texas wilderness areas will benefit Texas economically by drawing tourists from throughout the United States, especially in late fall, winter, and early spring when many wildernesses in the North and West are colder and less attractive to many people.

The combination of these wildernesses with Big Thicket National Preserve, just now opening to full capacity further south, will serve millions of visitors as populations continue to boom. Senators Lloyd Bentsen and John Tower, who had the foresight to save for all Americans the Big Thicket National Preserve, eleven years ago, are continuing that sound environmental leadership by sponsoring the East Texas Wilderness Act. If this Act is not enacted, the U.S. Forest Service will clearcut these last precious remnants of our East Texas hardwood/pine forest. We recommend prompt passage.

STATEMENT OF JOHN C. OLIVER, PRESIDENT

WESTERN PENNSYLVANIA CONSERVANCY

Good morning Mr. Chairman and members of the Committee. My name is John Oliver, and I am President of the Western Pennsylvania Conservancy, the largest private, non-profit conservation organization in Pennsylvania with headquarters in Pittsburgh. I appreciate this opportunity to express our strong support for S.2551, "The Pennsylvania Wilderness Act of 1984".

The Conservancy has purchased over 90,000 acres of high quality conservation and recreation lands during its 52 year history. These lands have been turned over at cost to State and Federal agencies for administration as parks, forests, and game lands. We are pleased to have been able to assist in this important undertaking.

I know that our 10,000 dues-paying members, and others who support our program, are especially hopeful that we will be able to play a similar role in establishing the Hickory Creek Wilderness, as proposed in S.2551. This project is particularly meaningful and important to Pennsylvania: it may be our last best hope for providing residents of the Commonwealth, and their friends and neighbors from adjoining states, with the chance to use and enjoy a wilderness area reasonably close to home.

As several members of the Committee are aware, establishment of a wilderness area in the Allegheny National Forest has been under consideration for well over a decade. All aspects of the proposal have come under close scrutiny from every point of view. These long, hard negotiations have borne fruit: S.2551 is a balanced bill that accommodates the great majority of the interests involved. It is reasonable, equitable, and workable. As testimony to its fairness and broad appeal, it has the active support of the entire Pennsylvania Congressional delegation. A companion measure, H.R.5076, recently passed the House by the overwhelming margin of 387 to 28.

The Wilderness Area

The bill would establish two wilderness areas, the Allegheny Islands Wilderness, and the Hickory Creek Wilderness.

The Allegheny Islands Wilderness consists of 7 islands in the Allegheny River, involving approximately 363 acres. Islands have long been recognized by conservation agencies as top acquisition priorities. Relatively few exist in Pennsylvania, and those that are still undeveloped are extremely popular recreation areas. Wilderness status will assure protection of the interesting and diverse plant and animal life on these islands, and permit their management for appropriate recreation, conservation, and educational uses.

Several islands have been added to the Allegheny National Forest since the seven were initially recommended for wilderness designation. The Conservancy was pleased to play a small part in their acquisition, and hopes to continue to work to protect the few islands that remain undeveloped. We suggest that as these come under control of the Allegheny National Forest they be managed as part of the Allegheny Islands Wilderness Area.

The Hickory Creek Wilderness Area is clearly the centerpiece of this bill. This 9,425 acre area consists of gentle, rolling lands interlaced with bogs and beaver ponds. Portions of the area are forested with hardwoods. Wildlife is abundant, including such game species as deer, turkey, and bear. East Hickory Creek has been designated as a Wilderness trout stream by the Pennsylvania Fish Commission. The entire area is relatively undisturbed.

Four factors contribute to the value of Hickory Creek as an eastern wilderness area:

: Accessibility - It is within 150 miles of over 13 million people in 5 states.

: Road locations - No vehicular roads bisect the area. All access will be peripheral, and the roads that form the boundary have a minimum of traffic.

: Surface ownership - All lands within the boundary are owned by the Forest Service; no additional land acquisition would be necessary.

: Need and demand for wilderness - Presently there is no federal wilderness area in Pennsylvania, nor in the adjoining states of Ohio, New York, New Jersey, or Maryland. Nor are other candidate areas of comparable quality and value available in these states.

For these reasons, Hickory Creek offers a unique opportunity to establish an eastern wilderness area. It is an opportunity that may not last much longer, and may not come our way again.

Other Considerations

In designating Hickory Creek as a wilderness area two alternative uses need to be considered: oil and gas development, and commercial timber operations.

On most of the Allegheny National Forest multiple use management seeks to balance resource development with non-consumptive uses of the forest, such as watershed protection, recreation, and other passive uses. But oil and gas development or timber operations would soon destroy the Hickory Creek area for wilderness purposes.

Oil and Gas Operations - With respect to oil and gas, all subsurface rights are privately owned, and it is only a matter of time before exploration and drilling will begin. However, 7,275 acres (77%) of the subsurface rights in the heart of the valley are in a single ownership. To provide the opportunity to establish the Hickory Creek Wilderness, the Conservancy holds an option to purchase these rights at a price consistent with a recent Forest

Service appraisal. It is our intent to convey these rights to the Forest Service, at cost, to insure permanent protection of the Hickory Creek Valley. The $2 million authorized to be appropriated by S.2551 would cover our purchase costs, and provide additional funds to acquire the balance of the oil, gas, and mineral rights in the area.

Commercial Timber - A different situation exists with respect to commercial timber. This resource is federally owned, and its allocation is a matter of deciding where the dominant public interest lies. The Conservancy strongly supports multiple use wherever and whenever possible, as our record of land management testifies. But in this instance one such use--timber harvest--cannot be accommodated. Timber operations, and the disturbances that necessarily accompany them, are simply inimical to wilderness management. In this instance, the economic loss is modest for the following reasons:

First, much of the area along the bottom lands of Hickory Creek and its tributaries is open and unforested. In fact, the long views available while hiking along the creek are one of the unusual features of the area.

Second, while Allegheny hardwoods, black cherry, ash, and red maple cover a substantial portion of the 9,400 acres, their productivity is generally low. The annual program harvest for the area as calculated by the Forest Service is 484 thousand board feet. This is about 2% of the annual program harvest of the Allegheny National Forest--surely an affordable price to pay to protect the wilderness character of Hickory Creek. Indeed, as Professor Irland of the Yale School of Forestry has remarked about commercial

timber volumes in eastern wilderness areas, "Rarely have so many argued for so long over so little timber."

Administration Position

The Department of Agriculture has testified that it has no objection to the designation of Hickory Creek as an eastern wilderness area. Forest Service Chief Max Peterson pointed out before the House Subcommittee on Public Lands on March 29th that there is no other wilderness in Pennsylvania, and no other suitable area that would be less costly to designate. He also has stated that the Service has specific appraisal data to support the $2 million authorization figure in the bill, and that the costs are modest.

Release Provision

We are delighted that a reasonable compromise has been reached with respect to arrangements for periodic reconsideration of additions to the national wilderness system. This agreement makes prompt action possible on several wilderness measures, including S.2551.

The Opportunity at Hand

In summary, we believe that after more than a decade of compromise and negotiation the opportunity is finally at hand to enact a fair and reasonable wilderness bill for Pennsylvania. We wish to particularly acknowledge the assistance and support of Senators Heinz and Specter; without their efforts we would not be here this morning. Pennsylvania's members in the House also have been tireless in their work to make the Hickory Creek Wilderness a reality.

The Western Pennsylvania Conservancy hopes that these efforts will at last be successful. We respectfully urge your favorable action on S.2551, and your support for its early enactment by the Senate.

Thank you.

STATEMENT OF ROBERT J. LaBAR, FOREST RESOURCES ADMINISTRATOR

HAMMERMILL PAPER CO., ERIE, PA

Mr. Chairman and Committee members, I thank you for the opportunity to appear before this Committee today. When a companion House bill similar to the version presently under consideration by your Committee was up for hearings before the House Interior Committee earlier this year, no opportunity was provided for those individuals and organizations who had previously voiced concerns to provide their input. If the democratic process is to work, it's vital that all sides have an opportunity to voice their opinions.

My name is Robert J. LaBar. I am Forest Resources Administrator for Hammermill Paper Company located in Erie, Pennsylvania. Hammermill has been making paper in Erie since 1898 and has a deep concern about the long-range conservation goals for Pennsylvania state forests and the Allegheny National Forest. Our company will spend over $30 million this year to supply wood to our mill. $4.4 million of this will be spent on logging activities on the Allegheny National Forest. This wood procurement activity generates income for the Forest Service, provides employment for the people in the local forest communities and generates $1.3 million in revenue for the townships lying within the Allegheny National Forest. Hammermill is only a small part of the total timber industry that I have been asked to represent today. The timber industry is a very important industry in Pennsylvania. It employs 82,300 people with wages in excess of $1 billion a year and contributes to the state economy with total sales exceeding $2.5 billion per year.

We strongly support the conservation of our national, state and private forests. Hammermill has supported the Pennsylvania Bureau of Forestry's natural and wild areas program designed to preserve the aesthetic qualities of 202,000 acres of forest land in Pennsylvania. 3/4 of these areas are located within a short distance of the Allegheny National Forest. While these areas were created by administrative rather than legislative action and do not carry the name wilderness, they are managed for all practical purposes as such.

We supported this program and the similar Forest Service RARE II study because they included a thorough inventory of all government owned land and they took into account silvicultural characteristics, soil quality, oil, gas and mineral resources, economic considerations, etc. In addition, there was opportunity provided for public input at various levels.

Hammermill manages 185,000 acres of its own land in the area. For many years, several thousand acres of the Cornplanter area which is a part of the Allegheny NRA now under consideration in this bill were managed by the company until purchased by the Forest Service as part of the Allegheny Reservoir complex.

I would like to briefly address a number of areas of concern with the proposed legislation including the uniqueness of the Allegheny National Forest, implications of clean air standards, release language, oil, gas and mineral rights, problems with land acquisition, and characteristics of National Recreation Areas.

This Committee has a formidable task of dealing with a complexity of issues involving vast areas throughout the United States. The 32,000 acres involved in this bill probably seem small in comparison. I would like to point out, however, why we feel that the Allegheny National Forest is unique.

This forest is small in comparison to many Western forests. It is only 1/2 million acres. However, because of the size and value of its timber resources, it has consistently returned more to the federal treasury and local townships than any other national forest in the Northeast. It is also one of the leading national forests in the United States in the generation of revenues. The bulk of this income is from timber receipts.

Another fact unique to the Allegheny National Forest is that while the black cherry sawtimber so prized by the housewife, homeowner and office manager for the beauty of its wood is grown in a very small portion of New York and Pennsylvania, the limited four-county area on which the forest is located is its most optimum range . The demand of such quality timber far exceeds supply.

Yet another unusual characteristic of the Allegheny National Forest lies in the private ownership of all but 4% of the subsurface oil and gas rights beneath the areas under consideration. The oil and gas industry estimates that 20% of the nation's high quality lubrication oil is produced from this area of the state. Even the possible acquisition of a portion of these rights beneath a major portion of the proposed Hickory Creek wilderness area doesn't resolve the problem. The remaining rights could still be developed. This bill does not provide sufficient funds for the purchase of these additional rights. If the area in question becomes wilderness, additional funding should be requested to purchase the remaining outstanding rights.

Much has been said about the small portion of the Allegheny National Forest affected by this proposal and its limited impact on the timber resources. In 1974 using the official Forest Service figures attached to this testimony, I calculated that more than 25% of the National Forest was already off limits to logging or seriously restricted. Instead of a national forest consisting of 1/2 million acres, the local forest industry has limited access to only 375,000 acres.

We urge that the Committee not look at the Allegheny National Forest as a small unimportant national forest, but rather examine it for its complexity and uniqueness and its relationship to the large population and marketing areas of the United States.

A second major concern with establishing a wilderness area in highly populated and industrial Northwestern Pennsylvania has to do with the interpretation of the Clean Air Act. Public officials downplay such potential impact. It is easy to say there is nothing presently to worry about. However, even though the creation of a wilderness may at this time require only Class 2 air standards, it is possible for Congress to amend the Clean Air Act at any time. Also, on March 7 of this year, there was an unsuccessful effort by Senator Gordon Humphrey of New Hampshire to upgrade these designations. In addition, I call to your attention the fact that environmentalists in the State of Maine attempted unsuccessfully to do the same by working through their state agency. It is important to realize that within a 100 mile radius of Warren, Pennsylvania, there are many major independent refineries, foundaries, carbon plants, pulp and paper mills, glassworks, and a variety of other manufacturing concerns that would seriously be impacted by a strict interpretation and enforcement of the Class I clean air standards. These industries employ a large number of people and a good portion of the area is still seriously impacted by high levels of unemployment.

We realize that the subject of release language is a hot issue and a no-win situation not only for you, but your House constituents who have had to wrestle with it. While it may be prudent to allow the issue to be addressed nationally (word has recently reached us that this may, indeed, have been accomplished) rather than on a local basis, we feel however it's critical that it be introduced into this legislation at this time. For 12 years since 1973 when some of these areas in the present proposed legislation were first studied for wilderness, they have been treated as de facto wilderness. Local governments, recreationists, and industry who depend on these areas need to be able to plan for the future. It is

also important to release the professional staff of the Allegheny National Forest to proceed with their ongoing planning efforts. Both Senator Heinz and Representative Bill Clinger in a November 14, 1981 letter echoed this by stating that "release language is designed to remove all uncertainty about future use of all land currently within the boundaries of the Allegheny National Forest." John Oliver of the Western Pennsylvania Conservancy is quoted in the local press as saying if the current legislation passes, it is a good beginning. This is part of the problem. When will the nightmare end? Even the proposed language for designating National Recreation Areas leaves the door open by stressing the conservation of wilderness values. We feel the word wilderness should be removed from the NRA language. Also, the original House version included language that "Congress did not intend that the designation of a wilderness area under this act would lead to the creation of protective perimeters or buffer zones around such wilderness areas." It also said "the fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude such activities or uses up to the boundary of the wilderness." We are not sure whether this language was changed but we are aware of Congressman Clinger in an April 22 letter to Congressman Sieberling asking that it not be tampered with. We feel it's vital that the original language be retained.

An extremely important issue that we bring to your attention involves acquisition of private land in or near wilderness and National Recreation Areas. While the original House version clearly spelled out that "such lands and interest (within a wilderness area) may be acquired only by consent of the owner thereof", it is worded quite differently for the NRA's. It mentions "following the acquisition under any other authority of law of other lands within the Allegheny National Forest, the secretary may revise the boundaries of the National Recreation Area to add such lands for the National Recreation Area, including at least 1,272 acres in the Allegheny Front area." Note, there is no reference to "by consent of the landowner".

It is our understanding that such authority also includes condemnation. We are aware of 15 major parcels of land including nine homes that are either included within or adjacent to the proposed Allegheny Front NRA. There are also another 118 residences and summer homes in the immediate vicinity. Senator Symns on July 12, 1983 introduced into the Congressional Record a copy of the PBS front-line "For the good of all" where the late anchorwoman Jessica Savitch exposed a situation where according to Symns "it was a clear conclusion from the documentary

that the Park Service thwarted the intention of Congress in the legislation to create the Cuyahoga National Recreation Area and failed to give due consideration to the rights of the private owners in the valley." The documentary began with the comment "what the filmmakers discovered was a classic political story...a story about good intentions, bureaucracy, and a struggle--putting individual owners against those acting 'for the good of all'. Unfortunately, what happened here with this park is not an isolated case. During the period when this film was shot--1979-82--thousands of families across the country had their houses and properties turned into parkland." Gentlemen, I bring this situation to your attention since it involves an NRA right across the border in Ohio only 100 miles from the Allegheny National Forest. While something like this might not happen under the existing administration or Congress, what guarantees do the affected landowners have for the future? We strongly recommend that if NRA's are created, that any future acquisitions of adjoining private land be on a willing buyer/willing seller basis only.

I point out another problem that needs to be addressed. Under the American Indian Religious Freedom Act, the U. S. Forest Service and we would assume Congress must notify local tribes of actions which could impact on specific places, shrines, Vision Quest sites, etc. that have religious significance. We are unaware of any efforts to contact the Seneca Nation of Indians who are involved with both the Cornplanter Grant as well as a portion of Tracy Ridge where it is well documented historically that the Indian prophet Handsome Lake received visions which led to the establishment of the modern Seneca religion.

Finally, and most importantly, I'd like to briefly examine the concept of National Recreation Areas. Hammermill supports the statement of the Chief of the Forest Service, Max Peterson, questioning the advisability of establishing large acreages of National Recreation Areas on the Allegheny National Forest. A glaring and important omission in the National Recreation Area language in this bill is the restrictive statement "the utilization of natural resources in the National Recreation Area shall be permitted only as is consistent with the provisions of this act." I have carefully reviewed the language in eight separate National Recreation Area designations including the nearby Delaware Water Gap Recreation Area between Pennsylvania and New Jersey. Four of those NRA's including Delaware Water Gap, and especially the Sawtooth, provide language that reads "the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar

as their utilization will not substantially impair the purpose for which this recreation area is established." We favor this later wording.

This area of Northwestern Pennsylvania has had a long history of sudden wind storms which result in considerable downed timber. The Allegheny National Forest is also on the leading edge of the Gypsy Moth invasion which is moving across Pennsylvania. Both circumstances can create large volumes of dead or dying timber that should be salvaged before they're irrevocably lost or endanger recreationists.

In addition, oil and gas development if allowed in an NRA will require removal of timber products. Also important is the need to practice sound forestry-wildlife techniques to improve habitat for both game and nongame species. This implies a need to build occasional access roads to make such harvesting possible.

Forest Service Chief Max Peterson in a July 15, 1980 communication between Congressman Bill Clinger and Peter Kostamayer explained that the three areas presently under consideration in the proposed legislation supported a timber volume of 266 million boardfeet and 514,000 cords valued at $21,001,430.

The Cornplanter tract which is part of the proposed Allegheny NRA when condemned by the federal government in accordance with the Act of Congress approved February 26, 1931 (46SLAT1421,40U6C258A) authorized the acquisition of land to promote and protect the navigation of streams and the production of timber thereon. Isn't Senate Bill 2550 in violation of the reason this land was taken from the private landowner?

If I could digress once again and quote from the PBS "For the good of all" coverage of the Cuyahoga Valley NRA. "We're fighting this battle we feel, for all of us. Because if we lose this lonely battle, we feel that we will all be the less of it."

There are some specific points to be remembered in the bill.

1. Are wilderness or NRA areas really needed on the Allegheny National Forest?

2. The Allegheny National Forest is a small yet important and unique national forest.

3. Would the establishment of a wilderness area on the Allegheny National Forest create further problems and conflicts in relation to the Clean Air Act as it relates to Class 1 air standards?

4. There needs to be strong release language attached to any legislation affecting this area. The original concept of preventing future buffer areas needs to be retained.

5. Language related to the acquisition of private land needs to be clarified and made consistent. It should be on a willing buyer/willing seller basis.

6. Under the American Indian Religious Freedom Act, has Congress provided the Seneca Indians with proper notification of its intent?

7. Will provisions to make the future utilization of timber resources be incorporated as part of the language establishing NRA's?

Gentlemen, again I thank you for the opportunity to testify before this distinguished group.

1974 Status of Special Management Areas ANF

1.	Land that is currently unavailable for growing trees or subject to restricted logging.	
	579 miles of rights-of-way for non-forest service roads, utility lines, or oil and gas lines	4,009 acres*
	Forest Service roads, trails, administrative areas, etc.	5,045 acres*
	440 miles of streams and rivers (acreage based on an average 10 ft. width)	536 acres
	Water surface in five major impoundments within the forest including the Allegheny Reservoir, Twin Lakes, Beaver Meadows, Ridgway Reservoir, and Tionesta Reservoir	8,244 acres
	Tionesta Scenic Area	2,018 acres
	Tionesta Natural Area	2,113 acres
	Four Blue Heron Rookeries	200 acres
	Irvine Family Memorial	577 acres
	Proposed Muzette Tower Natural Area	50 acres
		22,792 acres
2.	Buffer or special areas given protection or subject to limited logging.	
	Stream buffer zones (50 ft. wide each side)	5,380 acres
	Allegheny Reservoir water influence zone	18,700 acres
	Allegheny Reservoir travel influence zone	800 acres
	Buffer zones around developed recreation areas	667 acres
	Developed major recreation sites	780 acres
	Land occupied by 224 summer homes	420 acres
	Dog trial areas	2,000 acres
	Beaver Meadows and Buzzard Swamp wildlife areas	15,000 acres
	Vandergrift Corners deer habitat research	4,400 acres
	Kane Experimental Forest	1,700 acres
	Four municipal water sheds	5,560 acres
		55,407 acres
3.	Open land or areas of limited timber growing potential.	
	Orchard stands (open land with scattered trees caused by fire, frost pockets, overbrowsing)	16,000 acres
	Oil well openings (10,000 wells x 1/4 acre)	2,500 acres
		13,500 acres
	Total acreage already removed or restricted from timber harvesting.	96,699 acres (19.3%)
4.	Areas proposed for roadless study.	34,341 acres (6.8%)
5.	Remaining area of National Forest open to timber operations.	370,797 acres (73.9%)

STATEMENT OF JEFF SCHMIDT, REPRESENTING THE
PENNSYLVANIA CHAPTER OF THE SIERRA CLUB

Mr. Chairman, subcommittee members, I appreciate the opportunity to testify at this hearing for the Pennsylvania Chapter of the Sierra Club.

The Pennsylvania Chapter of the Sierra Club congratulates Senators H. John Heinz and Arlen Specter for their support of S. 2551 , the Pennsylvania Wilderness Act of 1984.

The Sierra Club has been involved in this issue for more than 14 years. We regard the 506,000 acre Allegheny National Forest, the only national forest lands in Pennsylvania, as an important ecological and recreational resource to our state. We want to preserve certain areas in the Forest and to protect their special values. To that end, during the period 1972-1973, the Pennsylvania Chapter, with the cooperation of the U.S. Forest Service, did a fairly exhaustive study of roadless areas of the Allegheny National Forest, seeking areas suitable for designation as Wilderness. The three large tracts proposed for protective designations in S. 2551 constitute the bulk of the land we proposed in 1973 for Wilderness designation.

Since the 1973 proposals, Hickory Creek, Allegheny Front and Tracy Ridge have been the subjects of at least three bills before Congress seeking "Wilderness" or "Wilderness Study" designations. They were also the primary focus of the U.S. Forest Service's exhaustive "Roadless Area Review and Evaluation" (RARE-II) on Allegheny National Forest in 1978. Countless citizens and citizen groups have spoken out on behalf of federal protective designations for these Allegheny National Forest areas over the past ten years.

The need for some sort of special protective designations for some of the more noteworthy areas in Allegheny National Forest can hardly be denied. The most densely populated, heavily industrialized region in all of North America lies within a 250-mile radius of

Allegheny National Forest. Half of the people of Canada and nearly 40% of the people of the U.S. live within a day's drive (400 miles). The two National Recreation Areas and the three Wilderness Areas in Monongahela National Forest (250 miles south of Allegheny National Forest) receive very heavy usage. The establishment of these areas over the past decade seems to have precipitated a massive increase in tourism and outdoor recreation "industries" in this otherwise remote part of West Virginia. The recreational use of public lands has become a major industry in Pennsylvania also. It presently operates at a $2 billion/year level. There may be abundant public lands in Pennsylvania, but there is clearly a shortage of public lands which enjoy a reasonable measure of protection for the natural and recreational values they contain. This can perhaps best be seen a short distance south of Allegheny National Forest. There, in Cook Forest, a small patch of big trees has provided the primary impetus for the establishment of a major tourist center. After a generation or two the 9400 acres of big trees in a Hickory Creek Wilderness could not help but be a major attraction of Allegheny National Forest and a tribute to the foresight of the present generation.

The need for some sorts of protective designations for some of the more noteworthy areas in Allegheny National Forest is made even clearer by the probable future course of oil and gas activities in the Forest. The remaining half of the original oil and gas resources under Allegheny National Forest is primarily that which is difficult and expensive to extract.The future bodes of far more elaborate extractive techniques than in the past. Forest Service officials foresee "tertiary" recovery techniques: massive complexes of pipes, tanks, solvents, settling ponds and tightly-spaced grids of low-standard roads. S. 2551 by no means addresses this issue to a sufficient degree, but it could represent a small step in the bright direction by increasing the public visibility of the problem as it develops.

Central to the deliberations over S. 2551 are the trade-offs the act implies with material values. The proposed Hickory Creek Wilderness entails the most significant trade-offs, since S. 2551 gives the area's natural and recreational values the greatest measure of protection. Hickory Creek has been virtually untouched by oil and gas explorations in recent decades. This gives strong evidence that the relative potential for oil and gas under this area is slight at best. The most valuable timber species on Allegheny National Forest is the black cherry. Here again, there is relatively little black cherry in the Hickory Creek drainage or in any of the other areas protected by S. 2551. Timber production on Allegheny National Forest will increase several-fold over the coming decades. The resultant growth of timber industry jobs on Allegheny National Forest would offset whatever timber industry job losses are implied by S. 2551 by many times over. The pulpwood market in northwestern Pa. is so badly glutted that pulpwood has become a negative value resource. Allegheny National Forest managers report that they receive less money on timber sales when they insist that the buyer cart off the pulpwood along with the sawtimber. Thus the concerns of the local paper industry over S. 2551 are difficult to fathom. A large fraction of the hardwood forests of the East will reach maturity over the next few decades, and even the long-term potential productivity of these forests is 6 to 10 times current harvest rates. Allusions to hardwood timber scarcity resulting from protective designations for recreational and natural values must be regarded as wildly imaginary over this time frame.

It should be quite clear that S. 2551 represents a rather minor sacrifice of material values. If anything, it would appear to have been carefully designed to ACCOMODATE concerns over these values. We can also argue that S. 2551 offers a major benefit in terms of natural and recreational values. In fact, it appears to have been carefully designed to MAXIMIZE the per-acre benefits in terms of these values. The proposed Hickory Creek Wilderness is immediately

adjacent to the Hearts' Content Campground, a heavily-used recreational resource of the Allegheny National Forest. Allegheny Front almost borders on the Allegheny River - a major recreational resource of northwestern Pa. The Cornplanter area and the Tracy Ridge area are on the banks of the Allegheny (Kinzua) Reservoir, by far the most heavily used recreational resource in Allegheny National Forest. Whether S. 2551 is passed or not, the U.S. Forest Service is certain to manage these areas primarily for their recreational potential. To a significant degree, then, S. 2551 reaffirms and supports long-standing USFS land-management policies. There are major hiking trail resources in all of the major areas affected by S. 2551. Hickory Creek itself is a Wilderness Trout Stream by designation of the Pennsylvania Fish Commission. The large open meadows along Hickory Creek are of little commercial value, but they are outstanding in terms of scenic and wildlife values. The large oaks of the Tracy Ridge area make the area prime habitat for black bear, wild turkey, and squirrel. There is also a heron rookery in the area.

To summarize, there are few more appropriately located national forests in the U.S. for protecting key areas of land for their natural and recreational values. The areas S. 2551 would protect have been carefully studied and evaluated against alternatives. They represent sound choices both from the viewpoint of minimizing conflicts with materialistic values and from the viewpoint of maximizing the benefits from recreational and natural values. S. 2551 offers hope of a balanced pattern of land use.

We feel that this proposal (S. 2551) is a workable solution to the old controversies, and we can support it. However, our support would be withdrawn if the final version of the bill contained any other language than that of the standard Colorado release language ("soft-release").

We welcome the wilderness designation for the 9,400 acres of Hickory Creek and for the 363 acres of Allegheny Islands. The $2

million authorization in the bill to purchase sub-surface rights under Hickory Creek is extremely important to the wilderness designation for the area. The Sierra Club is working in the House Appropriations Committee for an appropriation of these funds for Hickory Creek.

We support the National Recreational designation for 23,100 acres composed of Allegheny Front, Cornplanter, and Tracy Ridge, including the Allegheny reservoir. Our support for this designation hinges on our analysis that the management language in the bill is adequate to ensure that developmental activities in the NRA will be regulated to minimize disturbances to the environment.

Developmental activities recently permitted by the Forest Service in Allegheny Front are a major concern to those of us interested in protecting the sensitive areas of the Forest. The quality of Hedgehog Run, defined by the Commonwealth of Pennsylvania as a "high-quality water", is threatened by the planned oil and gas developments. Sierra CLub is now litigating those permits in Western District Court and will continue to press for the utmost caution in the permitting of such activities in RARE-II areas. Last week the Forest Service permitted two additional wells in the Front, adding to our concern that the area may receive serious environmental impacts.

We urge this committee to expedite the Pennsylvania Wilderness Act. We need to move quickly to put into place management practices which will improve the protection of the areas designated in this bill.

[Reprint from the Philadelphia Inquirer, Apr. 18, 1984]

Save a Wilderness Area for 92 Million to Enjoy

As wilderness areas go, Pennsylvania's Allegheny National Forest will never be mistaken for the rugged wilds of Montana or Alaska. It was devoid of timber as recently as the 1920s; roads and other development cross portions of the 750,000-acre forest in the northwestern quadrant of the state. But the forest contains the last remaining areas of Pennsylvania that can qualify for federal wilderness designation--and protection. And they are severely threatened

The Allegheny National Forest is within a day's drive for almost 92 million Americans. It contains beautiful valleys and scenic ridges. It also contains large deposits of oil and natural gas, most of which are owned by private developers. In recent years, those developers have swarmed over the forest, installing roads, drilling rigs and pipelines. The conflict between preserving the last of Pennsylvania's wild lands and extracting the mineral reserves has raged for years, jeopardizing the special quality of the remaining wild areas.

A compromise finally has been worked out in Congress to protect the wild areas of the Allegheny National Forest while at the same time allowing sensible energy development to continue elsewhere on the federal preserve. No one who has worked closely on the bill is entirely pleased with its results, a truth of any compromise. The realistic alternative is the status quo—and that is unacceptable.

A bill, sponsored by U.S. Representatives Peter H. Kostmayer (D., Pa) and William Clinger (R., Pa.), would declare almost 10,000 acres of the forest as a federal wilderness, protecting it from any development. Most of that acreage is contained in the Hickory Creek area of the forest—a rich and beautiful plateau that in the future, if protected, will return to wilderness. In addition, the measure designated another 23,000 acres as a National Recreation Area, allowing some development, but with environmental protections.

The fight to protect the Allegheny National Forest has been tough and politicized. Representative Clinger, whose district includes the forest, initially opposed any wildnerness designation other than a few islands in the middle of the Allegheny River. He owned most of the subsurface oil and gas rights in an area of the forest known as the Allegheny Front until 1979, when he sold the rights to his elderly father. Under terms of the bill, energy development still may occur in the Allegheny Front.

Preparation of a Federal environmental impact study of the forest, as another tactic to set in motion preservation of its wilderness qualities, was vetoed by top officials in the Department of Agriculture, amid allegations that Republicans in Harrisburg and Washington applied pressure to the Reagan administration.

The cost of preserving the Hickory Creek area as a wilderness is a modest $2 million—the price of the subsurface oil, gas and mineral rights beneath the tract. All members of the Pennsylvania congressional delegation except for Representative Richard T. Schulze have declared their support.

Those who have worked closely to obtain the wilderness designation and additional protections for other vulnerable areas of the national forest credit Representative Kostmayer with his persistence. They also cite the support provided by Sen. John Heinz who, since 1979, has worked in the Senate to protect the land. His continued role will be critical because the bill faces a major hurdle in the Senate over the extent of protections for the 23,000 acres set aside for recreation. That is a fight that will require continued unified support from the Pennsylvania delegation. Only then will Pennsylvanians and others be assured that the unique features of the Allegheny National Forest will be preserved.

The same spirit of sensible compromise that sprang loose a wilderness bill for Pennsylvania seems to have spread to the U.S. Congress.

The interests of both environmentalists and industry have been reconciled in an agreement between House and Senate leaders that could pave the way for designation of 5 to 10 million acres of additional wilderness areas nationwide.

One of those areas could be Hickory Creek in northwest Pennsylvania (near Warren), in a bill carefully worked out by Representative William Clinger, a Warren Republican, and environmentalists led by Representative Peter Kostmayer, a Democrat from suburban Philadelphia, and recently passed by the House.

The compromise worked out on wilderness designation dealt with the difficult question of the "release" of wilderness areas. An area officially designated as wilderness is barred to logging, oil or other development and even to motorized vehicles; access can only be by foot trails. Many sections of federal forest land have been studied for possible wilnderness designation for years but had never made the grade with federal land managers or in Congress.

Logging, mining and energy companies complained at thus being shut out indefinitely from these areas. Under their preferred plan, once an area was rejected for wilderness status the subject could never be reopened. Conservationists wanted such areas protected indefinitely so that Congress could grant them wilderness status at any time.

Under the compromise, such areas would be reconsidered every 10 years for possible placement in the wilderness system. In the meantime, development could be permitted by the appropriate agencies, even if inconsistent with wilderness rules.

Conservationists are happy because getting the system off this dime could bring speedy and substantial additions to the nation's wilderness system. The Senate Energy Committee in the aftermath of the settlement voted to designate a total of more than 3 million acres of new wilderness areas west of the Mississippi to the current 24 million acres in the lower 48 states.

At the same time, companies will have earlier access to millions of areas of federal forest lands from which they have been barred for decades because of the wilderness controversy.

It is heartening that industry and the environmentalists were able to work out an agreement in which each side gave but also gained. It now seems likelier that similar compromises can be worked out on other tough issues dividing them. Those interested in conservation now must make sure that all wilderness areas deserving of official designation are approved by Congress before the barn door thumps shut for at least 10 years.

STATEMENT
OF
SAM F. COLLINS
EXECUTIVE VICE PRESIDENT AND GENERAL MANAGER
SABINE RIVER AUTHORITY OF TEXAS

MEMBERS OF THE COMMITTEE:

I AM SAM F. COLLINS, EXECUTIVE VICE PRESIDENT AND GENERAL MANAGER OF THE SABINE RIVER AUTHORITY OF TEXAS. I APPEAR BEFORE YOU TODAY ON BEHALF OF OUR STATE AGENCY TO OFFER OUR FULL SUPPORT OF S. 1754, INCLUDING PROPOSED AMENDMENTS, i.e., conveyance of approximately 31,000 acres of land within the Sabine National Forest, Texas, to be used for the purposes of the Toledo Bend Project, Louisiana and Texas (SEE EXHIBIT "A").

WITH THE CONSENT OF CONGRESS, THE STATES OF TEXAS AND LOUISIANA ENTERED INTO THE SABINE RIVER COMPACT WHICH PROVIDED FOR THE EQUITABLE APPORTIONMENT AND COMPREHENSIVE DEVELOPMENT OF THE WATER RESOURCES OF THE BI-STATE SEGMENT OF THE SABINE RIVER. UNDER THE TERMS OF THE COMPACT, THE SABINE RIVER AUTHORITIES OF TEXAS AND LOUISIANA (THE AUTHORITIES) ENTERED INTO A CONTRACT IN 1955 FOR THE FINANCING, CONSTRUCTION AND OPERATION OF THE JOINTLY-OWNED TOLEDO BEND RESERVOIR PROJECT. THUS BEGAN THE COMPLEX AND TEDIOUS WORK INVOLVED IN DEVELOPING THE PROJECT AT THE BI-STATE LEVEL WITHOUT FEDERAL FUNDING.

THE TOLEDO BEND RESERVOIR IS LOCATED IN TEXAS AND LOUISIANA ON THE SABINE RIVER AND FORMS A PORTION OF THE BOUNDARY BETWEEN THE TWO STATES. THE RESERVOIR IS APPROXIMATELY 65 MILES IN LENGTH AND IS THE LARGEST MANMADE BODY OF WATER IN THE SOUTH AND FIFTH LARGEST IN THE UNITED STATES, WITH WATER NORMALLY COVERING AN AREA OF 186,000 ACRES AND HAVING A CONTROLLED STORAGE CAPACITY OF 4,477,000 ACRE-FEET. THE PRIMARY PURPOSES OF THE RESERVOIR ARE FOR THE DEVELOPMENT OF WATER SUPPLY, HYDRO-ELECTRIC POWER GENERATION, AND RECREATION.

ON OCTOBER 14, 1963, THE FEDERAL POWER COMMISSION (FPC) ISSUED LICENSE NO. 2305 TO THE AUTHORITIES AUTHORIZING CONSTRUCTION OF THE PROJECT AND UTILIZATION THROUGH INUNDATION OF APPROXIMATELY 34,000 ACRES OF FEDERAL LAND WITHIN THE

SABINE NATIONAL FOREST (EXHIBIT "B"). THE LAND USE CHARGE FOR UTILIZATION OF SUCH LANDS WAS TO BE $94,000 PER YEAR (THE 1982 CHARGES AMOUNT TO $442,065). THE $70 MILLION PROJECT WAS THEN FINANCED THROUGH ASSISTANCE FROM THE TWO STATES AND THROUGH A POWER SALES AGREEMENT WHICH PROVIDES FOR THE SALE OF THE POWER OUTPUT TO THREE INVESTOR-OWNED UTILITY COMPANIES. THE UTILITY COMPANIES PAY A FIXED AMOUNT EACH YEAR FOR OPERATION OF THE PROJECT AND DEBT SERVICE PAYMENTS.

THE AUTHORITIES MADE APPLICATION TO THE FPC UNDER THE REGULATIONS OF THE FEDERAL POWER ACT (SECTION 11.24) WHICH PROVIDES FOR AN EXEMPTION FROM PAYMENT OF FEDERAL CHARGES IF THE POWER IS BEING SOLD AT NO PROFIT. THESE APPLICATIONS HAVE BEEN SUBMITTED FOR THE CALENDAR YEARS 1970-1982. AFTER MUCH WORK AND SOME DISAPPOINTMENTS, THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) GRANTED THE AUTHORITIES' APPEAL ON SEPTEMBER 10, 1980, AND EXEMPTIONS WERE GRANTED FOR 1971-1978. THE FERC HAS SUBSEQUENTLY GRANTED EXEMPTIONS FOR 1979-1981. THE 1982 EXEMPTION REQUEST IN THE AMOUNT OF $442,065 HAS BEEN SUBMITTED TO FERC FOR APPROVAL.

THE U. S. FOREST SERVICE HAS, FOR SEVERAL YEARS, SOUGHT TO IMPLEMENT ON NATIONAL FOREST LANDS THE "MULTIPLE USE" CONCEPT. WE FEEL THAT THE LANDS USED FOR THE RESERVOIR ARE A PART OF THAT CONCEPT. WE FEEL THAT THE LANDS WERE NOT "TAKEN" FOR THE PROJECT BUT WERE ENHANCED ALONG WITH THE ADJOINING LANDS. SPECIAL AND DIRECT BENEFITS ACCRUED TO THE U. S. GOVERNMENT AND TO THE NATIONAL FOREST LANDS USED WITHIN THE PROJECT, AND TO THE ADJOINING LANDS COMPRISING MANY THOUSANDS OF ACRES ALONG MORE THAN 260 MILES OF SHORELINE. SINCE THE PROJECT WAS CONSTRUCTED, THE BARE LAND VALUES HAVE SKYROCKETED FROM $40-$50 PER ACRE TO $2,000-$3,000 PER ACRE ALONG THE SHORELINE (EXHIBIT "C"). THE FEDERAL GOVERNMENT ACKNOWLEDGES THIS ENHANCEMENT AND HAS ACQUIRED, SINCE THE RESERVOIR WAS BUILT, ADDITIONAL LANDS ALONG THE SHORELINE AT THESE PRICES. THEREFORE, WITH NO MONETARY COMPENSATIONS, THE FEDERAL GOVERNMENT HAS BEEN "MADE WHOLE" MANY TIMES OVER FOR THE VALUE OF THE INUNDATED FOREST SERVICE LANDS.

IN ADDITION TO THE DIRECT AND INDIRECT BENEFITS ACCRUING FROM THE PROJECT, IT IS EVIDENT THAT THE FEDERAL GOVERNMENT AND THE GENERAL PUBLIC WILL CONTINUE TO RECEIVE NUMEROUS OTHER BENEFITS, INCLUDING THE FOLLOWING:

A. WATER CONSERVATION AND IMPROVED WATER QUALITY;

B. LOW COST HYDROELECTRIC POWER;

C. WATER SUPPLY NECESSARY FOR FUTURE MUNICIPAL, INDUSTRIAL AND IRRIGATION USES;

D. SCENIC ENHANCEMENT;

E. INCREASED FISH AND WILDLIFE PROPAGATION;

F. ENHANCED RECREATIONAL USE;

G. SIXTY-FIVE (65) MILES OF NAVIGABLE WATERS;

H. BENEFITS TO THE ECONOMY IN WESTERN LOUISIANA AND EASTERN TEXAS WHICH HAVE CHANGED FROM A SEVERELY DEPRESSED AND DECLINING SAWMILL ECONOMY TO A GROWING ECONOMY BASED ON RECREATION, TOURISM AND INDUSTRY ATTRACTED BY THE PROJECT.

THE INTRODUCTION OF S.1754 WAS REQUESTED BY SABINE RIVER AUTHORITY, STATE OF LOUISIANA, AND SABINE RIVER AUTHORITY OF TEXAS AFTER THE UNITED STATES FOREST SERVICE ISSUED A NEWS RELEASE DATED MARCH 15, 1983 (EXHIBIT "D") ANNOUNCING A STUDY TO BE PERFORMED UNDER THE PRESIDENT'S FEDERAL PROPERTY REVIEW PROGRAM, THE PURPOSE OF WHICH WAS TO IDENTIFY FEDERAL LANDS WHICH ARE INEFFICIENT TO MANAGE OR ARE NO LONGER NEEDED FOR THE PURPOSES THEY ORIGINALLY SERVED. PART OF THE TEXAS LANDS PROPOSED FOR REVIEW WERE SOME 34,000 ACRES INUNDATED BY THE TOLEDO BEND RESERVOIR. SINCE IT IS POSSIBLE THAT THESE LANDS COULD BE DISPOSED OF TO OTHERS, THE SABINE RIVER AUTHORITY OF TEXAS IS OF THE OPINION THAT IT WOULD BE THE LOGICAL GOVERNMENTAL ENTITY TO NOW ADMINISTER AND MANAGE THESE LANDS ON BEHALF OF THE PUBLIC.

ON JUNE 17, 1983, THE HONORABLE E. (KIKA) DE LA GARZA, CHAIRMAN OF THE HOUSE AGRICULTURE COMMITTEE, REQUESTED SECRETARY BLOCK OF THE U.S. DEPARTMENT OF AGRICULTURE TO PROVIDE A REPORT ON THE DEPARTMENT'S RECOMMENDATION OF H.R. 3150 (COMPANION BILL TO S.1754).

IN A LETTER TO CHAIRMAN DE LA GARZA DATED APRIL 4, 1984, (EXHIBIT "E"), THE SECRETARY OF AGRICULTURE NOTED THAT THIS

LEGISLATION WOULD OFFER OPPORTUNITIES TO CLEAR UP SOME OWNERSHIP PROBLEMS AND PERMIT MORE EFFICIENT MANAGEMENT OF THE U.S. FOREST SERVICE LANDS SURROUNDING THE RESERVOIR. A PROPOSED AMENDMENT TO H.R. 3150/S. 1754 HAS BEEN PREPARED WHICH WOULD ACHIEVE THE OBJECTIVES OUTLINED IN THE SECRETARY OF AGRICULTURE'S LETTER, AS WELL AS FULFILL THE REQUIREMENTS OF THE AUTHORITIES TO EXEMPT THE TOLEDO BEND PROJECT FROM LAND USE FEES AND ADMINISTRATIVE CHARGES.

FURTHER, IT SHOULD BE NOTED THAT S. 1754 PROVIDES THAT SUCH LANDS ARE TO BE CONVEYED AND USED ONLY FOR THE PURPOSES OF THE TOLEDO BEND PROJECT. IF SUCH LANDS ARE USED FOR ANY OTHER PURPOSE, SUCH CONVEYANCE SHALL PROVIDE THAT SUCH LANDS SHALL AUTOMATICALLY REVERT TO THE OWNERSHIP OF THE UNITED STATES. SUCH CONVEYANCE SHALL RESERVE FOR THE UNITED STATES ALL OF THE MINERAL RIGHTS TO SUCH LANDS, AND BE SUBJECT TO EASEMENTS AND RECREATIONAL DEVELOPMENT RIGHTS WHERE SUCH RIGHTS ARE NECESSARY FOR ADMINISTRATION OF RELATED NATIONAL FOREST LANDS.

THE SUPPORT OF THIS LEGISLATION IS INDICATED IN THE ATTACHED LETTERS FROM GOVERNOR WHITE OF TEXAS, AND THE TEXAS DEPARTMENT OF WATER RESOURCES (EXHIBITS "F" AND "G").

IN SUMMARY, WE BELIEVE THAT CONGRESS SHOULD ENACT S. 1754 FOR THE FOLLOWING REASONS:

1. THE STATES ACTING THROUGH THEIR RESPECTIVE AGENCIES ARE CARRYING OUT A FEDERAL GOAL FOR SUCH CONSERVATION PROJECTS AS TOLEDO BEND TO BE ACCOMPLISHED AT STATE LEVELS, A GOAL THAT WILL NOT BE REACHED WITHOUT REASONABLE AND ACTIVE COOPERATION ON BEHALF OF THE FEDERAL GOVERNMENT.

2. THE FEDERAL GOVERNMENT, AS SHOWN, IS A MAJOR BENEFICIARY OF THE PROJECT AND HAS MADE NO MONETARY CONTRIBUTION WHICH IS SEEMINGLY INCONSISTENT WITH THE POLICY NOW URGED BY MANY IN THE FEDERAL ESTABLISHMENT.

3. THE ADJOINING NATIONAL FOREST LANDS HAVE BEEN INCREASED IN VALUE SO THAT THE FEDERAL GOVERNMENT HAS BEEN MADE MORE THAN WHOLE FOR ANY USE OF LANDS FOR THE PROJECT.

4. NUMEROUS OTHER INDIRECT BENEFITS HAVE ACCRUED TO THE FEDERAL GOVERNMENT IN THE FORM OF A BETTER ECONOMY (IN WHAT WAS A DEPRESSED AREA BEFORE THE RESERVOIR WAS BUILT), IMPROVED WATER QUALITY AND SILTATION CONDITIONS, IMPROVED NAVIGATION, ETC.

5. THE ANNUAL PAYMENT CREATES A HARDSHIP ON THE AGENCIES OF LOUISIANA AND TEXAS WHO BUILT AND ARE NOW OPERATING A MAJOR WATER CONSERVATION AND HYDRO-ELECTRIC PROJECT WITHOUT ANY FEDERAL FUNDING. THE CONTINUED IMPOSITION OF SUCH FEES WILL SERIOUSLY AFFECT FUTURE OPERATION AND MAINTENANCE OF THIS PROJECT AND COULD POSSIBLY AFFECT THE PLANS OF OTHER STATES IN PROVIDING WATER RESOURCE DEVELOPMENT THROUGH REAL AND PRACTICAL STATE/FEDERAL PARTNERSHIP RELATIONS.

FOR THE ABOVE REASONS WE URGE YOUR FAVORABLE CONSIDERATION OF THIS BILL. WE ARE ATTACHING FOR YOUR FURTHER STUDY SEVERAL LETTERS, STATEMENTS AND MAPS AS EVIDENCE OF OUR EFFORTS IN THIS MATTER.

THANK YOU.

[EXHIBIT A]

A PROPOSED AMENDMENT TO H.R. 3150 AND S. 1754—TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY TO THE SABINE RIVER AUTHORITY OF TEXAS APPROXIMATELY THIRTY-ONE THOUSAND ACRES OF LAND WITHIN THE SABINE NATIONAL FOREST, TEXAS, TO BE USED FOR THE PURPOSES OF THE TOLEDO BEND PROJECT, LOUISIANA AND TEXAS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than the one hundred and eightieth day following the date of enactment of this Act, the Secretary of Agriculture shall convey, for a consideration of ten and no/100 ($10.00) dollars per acre, to the Sabine River Authority of Texas. All lands which (1) are owned by the United States within the Sabine National Forest, Texas, (2) lie within the project boundary of the Toledo Bend Dam and Reservoir, Louisiana and Texas, (3) are below elevation 172 mean sea level (MSL) and subject to inundation, and (4) consist of approximately thirty-one thousand acres, being a portion of those lands identified in exhibit "k" of the license issued by the Federal Energy Regulatory Commission for project numbered 2305, known as the Toledo Bend Project, Louisiana and Texas. There shall also be included in the conveyance that portion of recreational site No. 5, consisting of approximately ten (10) acres, which is heavily developed and lies above 175 msl and not subject to inundation such lands are to be conveyed and used only for the purposes of the Toledo Bend Project; if such lands are used for any other purpose, such conveyance shall provide that such lands shall authomatically revert to the ownership of the United States. Such conveyance shall reserve for the United States all of the mineral rights to such lands, and be subject to easements and recreational development rights where such rights are necessary for administration of related national forest lands.

As to the land between the 172 msl and 175 msl (flood plain), these lands would be retained by the United States where the national forest lands front the reservoir—however, certain flood plain lands between 172 msl and 175 msl where the National Forest Service is no longer the adjacent owner, would be conveyed to the Sabine River Authority of Texas. As part of the consideration for the conveyance of the national forest lands, the Sabine River Authority of Texas would convey to the United States those lands between the 172 msl and 175 msl in the flood plain that are not now owned by the National Forest Service and which lie in front of their lands on the shoreline. Hereafter the Toledo Bend Project, Louisiana and Texas, shall be exempt from Federal land use fees and administration charges.

[EXHIBIT "B"]

SABINE NATIONAL FOREST TRACTS

TRACT NO.	SABINE NATIONAL FOREST DESIGNATION	ACRES	AMOUNT OF SHORELINE - FEET
319	(S1341)	3.38	1,450.09
326-1, 2	(S2S)	5,176.92	13,838.82
339	(S2Aq)	1.47	350.75
345	(S2x)	311.17	34,486.95
349	(S2w and S13d)	137.50	4,715.70
350	(S13c)	169.20	2,069.86
517	(S2t)	102.00	-0-
543	(S38c)	59.00	-0-
534	(S2Ao)	11.00	-0-
541	(S2k-11)	7,390.08	384,813.79
544	(1381)	63.00	-0-
551	(S2AP)	37.75	2,815.63
552	(S2v)	16.33	2,838.70
559	(S36)	103.00	-0-
702	(S2A1)	33.50	10,333.35
712	(S22)	110.60	20,853.30
713	(S20b)	2.40	2,679.50
922	(S39c)	75.00	-0-
940	(S38)	58.00	-0-
943	(S2k-X111)	21.25	10,645.70
1134	(S32)	.33	572.50
1140	(S2k1)	513.60	83,673.40
1329	(S2k-111)	1,128.62	108,104.02
1330	(S2k-V1)	380.52	61,299.51
1333	(S2J11)	1.18	-0-
1515	(S2v)	50.00	-0-
1700-1, 2, 3, 4	(S2J1)	1,415.11	69,156.46
1722	(S21)	34.00	-0-
1749	(S13b and S2k-111)	47.16	14,263.11
1900	(S2h)	50.00	-0-
1901	(S16)	11.12	5,426.50
1902	(S13a)	215.82	24,633.34
1922-1, 2, 3	(S2d-1i1)	1,107.53	26,095.87
1926	(S13-11)	145.00	-0-
1931-1, 2, 3	(S2f)	121.30	4,815.48
1933-1, 2	(S131)	194.84	13,981.59
1940-1, 2, 3	(S2e)	87.78	8,533.15
1945	(S2g)	53.00	-0-
1954	(S2k111)	12.86	4,722.34
2100	(S1At)	132.66	4,435.00
2114	(S19)	175.68	6,420.22
2300	(S1av)	828.70	1,284.55
2312	(S1aq)	112.05	7,128.26
2313	(S2d-1)	114.51	13,776.64
2329	(S2b)	126.64	2,268.39
2330	(S1t)	599.13	47,789.39
2337	(S2a)	19.58	6,046.62
2500	(S2-1)	1,556.00	-0-
2504	(S2-11)	556.00	-0-
2505	(S2-111)	90.00	-0-
2700	(S2Am)	131.47	5,975.97
2701	(1387a)	15.90	5,197.52
2702	(S1ap-1)	408.75	82,574.21
2900	(S1Ao)	268.70	46,376.18
2916	(S1111)	10.87	5,774.81
2929	(S1d)	5.33	2,472.88
3100	(S1-1)	2,406.60	51,829.01
3300	(S1-1V)	1,079.60	95,121.27
3325	(S1r)	33.03	3,406.66
3504	(S1p)	670.26	11,154.44
3519	(S1n)	152.50	-0-
3520	(S1o)	21.63	4,493.19
3727	(S1b11)	19.25	3,057.06
3732	(S1b11)	3,668.18	33,340.89
3734	(S1i)	651.00	-0-
4100	(S1c)	749.42	15,786.39
		34,055.76	1,372,878.96
			260.02 Miles

[EXHIBIT "C"]

EVIDENCE OF TOLEDO BEND SHORELINE LAND PURCHASES BY THE U.S. FOREST SERVICE

Date of purchase	Purchaser	Seller	Acres	Total purchase price	Price per acre
Mar. 13, 1972	U.S. Forest Service	Sabine Investment Co	35.14	$119,493	$3,400
Sept. 12, 1972	U.S. Forest Service	Stark Foundation	1,779.00	1,690,104	950
Feb. 19, 1973	U.S. Forest Service	Stark Foundation	500.00	475,000	950
Dec. 21, 1972	U.S. Forest Service	Henry LeBlanc, et al	122.00	366,570	3,004

The average bare land purchase price for large tracts of private lands purchased for the Project during 1963 and 1964 was about $40.00 per acre.

[EXHIBIT "D"]

NEWS FROM THE U.S. FOREST SERVICE—MARCH 15, 1983

According to U.S. Forest Service Supervisor Mike Lannan, 79,467 acres of land on the National Forests in Texas will be studied for potential sale under the President's Asset Management Study.

Lannan's statement of acreage in Texas to be considered followed an announcement by Southern Regional Forester John E. Alcock in Atlanta that 856,695 acres of National Forest System lands in the 13-state Southern Region of the U.S. Forest Service had been identified for study under the President's program.

The purpose of the Asset Management Progam is to identify federal lands that are inefficient to manage, or are no longer needed for the purposes they originally served. The Forest Service has selected a total of six million acres nationwide for further, more intensive study. These lands include isolated parcels, some lands in checkerboard ownership patterns, lands needed for community expansion, and some lands currently under special use permit.

Selection for further study does not necessarily mean this land will be sold, Alcock emphasized. The U.S. Department of Agriculture, which administers the National Forest System, will soon propose legislation to authorize sale of those portions of the acreage ultimately designated suitable for disposal.

Intensive study of the selected acreage will not begin until authorizing legislation is passed. At that time the public will be asked to comment on the disposal of these lands. Alcock said details of how the studies will be conducted, including opportunities for public involvement, are now being formulated.

The Property Review Board (PRB) was established February 25, 1982, to oversee a comprehensive program initiated by President Reagan to: (1) review the real property holdings of the Federal Government; (2) improve the management of property retained in Federal ownership; and (3) expedite the sale of unneeded property so that it can be put to more productive use.

Maps showing Texas lands proposed for study are available for review at the Forest Supervisor's Office in the Federal Building in Lufkin and at District Ranger's Offices.

DAVY CROCKETT DETAILS

1001 is the 0.3 acre Luce Cemetery.

1002 is the Special Use area for Centerville Public School.

3001 consists of 3 scattered and isolated parcels and two linear strips of 10.6 and 29.0 acres each part of which is in road right-of-way.

3002 consists of a 14.0 acre linear strip and three isolated, scattered parcels.

3003 consists of a 4.0 acre linear strip and an irregular shaped, isolated parcel of 192.0 acres.

3004 consists of 0.5 acre linear strip which is isolated.

3005 is a 4.0 acre linear strip which is isolated.

3006 consists of two scattered, isolated parcels totaling 138.0 acres.

3007 consists of three scattered and isolated parcels totaling 125.0 acres.

3008 consists of an isolated 25.0 acre parcel.

3009 consists of an 80.0 acre isolated parcel.

CADDO/LBJ DETAILS

3001 is a collection of Group 3 tracts which are scattered and isolated.

SABINE DETAILS

1001 is Toledo Bend reservoir inundated lands totaling 34,000 acres.
2001 is 2.3 acres of Strong Cemetery.
2002 is 2.0 acres of Hamilton Cemetery.
2003 is 1.7 acres of East Liberty Cemetery.
3001 is a 5.0 acre isolated and scattered parcel.
3002 consists of two isolated parcels of 3.0 and 46 acres each.
3003 consists of two isolated and scattered parcels of 77.0 and 42.0 acres each.
3004 consists of three isolated and scattered parcels totaling 85 acres.
3005 consists of two isolated and scattered parcels totaling 59.0 acres.
3006 consists of three isolated and scattered parcels totaling 45.0 acres.
3007 consists of a scattered and isolated parcel of 52.0 acres.

[EXHIBIT "E"]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 4, 1984.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 3150, a bill "To direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas approximately thirty-four thousand acres of land within the Sabine National Forest, Texas, to be used for the purposes of the Toledo Bend Project, Louisiana and Texas."

The Department of Agriculture recommends that H.R. 3150 not be enacted unless amended as recommended herein.

H.R. 3150 would direct the Secretary of Agriculture to convey without consideration approximately 34,000 acres of National Forest System land to the Sabine River Authority of Texas. The lands lie within the project boundary of the Toledo Bend Dam and Reservoir and would be used only for the purposes of that project; if used for any other purposes, the land would revert to the United States. The bill provides that all mineral rights would be retained by the United States.

Most of the land that is included in H.R. 3150 lies below the reservoir's conservation pool, or normal level, of 172 feet mean sea level (MSL). However, it also includes some lands to the 175-foot MSL, which equates to the flood pool. Thus, the bill proposes to convey more than lands which are permanently flooded. There is a sizeable area of National Forest land between 172 and 175 feet MSL, including portions of five parcels of National Forest recreational lands. Four of these parcels are essentially undeveloped; the fifth has heavy recreational development on about 40 acres with the potential for development on the remaining 140 acres of that parcel.

The land in question is under license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) by the Federal Energy Regulatory Commission to the Sabine River Authority. The license (number 2305) was issued on October 14, 1963, and expires in 2013. It describes about 35,000 acres of National Forest land. The Authority has not paid any fees for the use of the National Forest because they have successfully argued that they qualify for a waiver of fees under the provisions of section 10(e) of the Federal Power Act.

The bill identifies the land to be conveyed as that shown in exhibit "K" of license number 2305. Our files on this project contain no exhibit "K." In seeking to clarify this, we have learned that the Federal Energy Regulatory Commission issued an order on May 27, 1983, approving a new exhibit "K" to license number 2305. The order is part of an administrative proceeding to revise the project boundary. Among other actions, the order places on proposed new exhibit "K" all of the five parcels mentioned above which had heretofore been identified as project recreational lands on exhibit "R" (the five parcel total 531 acres).

Neither the National Forest headquarters in Texas, the Regional Office in Alanta nor the Washington Office of the Forest Service were consulted with or were advised that this proceeding had begun. Accordingly, we requested a stay on the Commission's order on June 23, 1983 and our staff is developing a response to the proposal to revise the project boundary.

It is our view that the bill would convey lands which should be retained by the Forest Service. This includes (1) portions of the five parcels of recreational lands, (2) the strip of land between 172 and 175 feet MSL where this strip is part of additional National Forest lands, and (3) easement or recreational development rights below 172 feet HSL where National Forest lands front the reservoir.

On the other hand, we believe that a revised bill would offer opportunities to clear up some ownership problems and permit more efficient management of the National Forest lands surrounding the reservoir. We suggest that National Forest lands (1) below 172 feet MSL (the submerged lands), (2) that portion of recreational site five which is heavily developed, and (3) certain frontage lands between 172 feet MSL which were retained by the Forest Service to protect the shoreline when the remainder of the tract was exchanged, be conveyed to the Authority. Such conveyance should be subject to easements and recreational development rights reserved to the United States where such rights are necessary for administration of related National Forest lands. Further, we suggest that conveyance should be either by sale or exchange. Accordingly, we recommend that suitable amendments be made to the bill to accomplish our suggestions. We would be happy to work with the Committee and the Sabine River Authority in identifying those lands which we believe would be appropriate to convey.

The President has directed, in his Federal Property Review Program, that discounted or no-cost conveyances to States and local government entities be limited and that the Federal Government should receive full compensation for conveyance of Federal lands. Therefore, we recommend that the bill also be amended to require that the Authority pay fair market value for the National Forest lands that would be conveyed by H.R. 3150.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

[EXHIBIT "F"]

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Austin, TX, July 22, 1983.

HON. CHARLES WILSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WILSON: I have been contacted by the Sabine River Authority of Texas requesting my support for H.R. 3150.

The issue of land use fees and jurisdiction over the land inundated by the Toledo Bend Reservoir has long plagued the Sabine River Authorities. I believe that your legislation is an effective and thoughtful means of resolving this issue. The United States Forest Service clearly cannot use this land for wilderness areas, and since the Sabine River Authorities are charged with the maintenance and development of the Reservoir, I think they are the logical governmental bodies to administer these lands.

Please let me know if I can be of assistance to you concerning this legislation.

Yours truly,

MARK WHITE,
Governor of Texas.

[EXHIBIT "G"]

TEXAS DEPARTMENT OF WATER RESOURCES,
Austin, TX, July 22, 1983.

HON. LLOYD M. BENTSEN,
U.S. Senate,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BENTSEN: The purpose of this letter is to request your support of H.R. 3150, sponsored by Congressman Charles Wilson and others. This legislation, if enacted, would convey approximately 34,000 acres of land, currently within the Sabine National Forest, Texas and which are inundated by Toledo Bend Reservoir, to the Sabine River Authority of Texas.

These lands have been included among those being studied under President Reagan's Asset Management Study, the purpose of which is to identify federal lands

which are inefficient to manage, or are no longer needed for the purposes they originally served.

Conveyance of these lands to the Sabine River Authority of Texas would eliminate a potential problem which could have an adverse effect on the financial integrity of this project. Hydroelectric power is produced by the project pursuant to a Federal Power Commission License issued in 1963. A provision of this license requires the Sabine River Authorities of Texas and Louisiana to pay an annual land use fee on these federal lands, which was initially set at $84,000 in 1970 but had escalated to $423,669 by 1981. Exemptions from these payments have been granted the Authorities by the Federal Energy Regulatory Commission for the years 1979, 1980, and 1981; however, such decisions are made on an annual basis and the decision criteria could change at any time.

As you may know, Toledo Bend Reservoir was constructed jointly by the Sabine River Authorities of Texas and Louisiana at a cost of approximately $68,500,000. Texas' share of project costs was provided through the issuance of hydroelectric power revenue bonds by the Sabine River Authority of Texas in the amount of $20 million, augmented by a $15 million investment by the Texas Water Development Fund. Under a 1964 agreement between the Sabine River Authority and the Texas Water Development Board, the Sabine River Authority agreed to ultimately and within its abilities repurchase the Board's 21.89 percent storage interest in the project such that the State of Texas could fully recover its investment at the earliest possible date. To secure this obligation, the Authority has pledged to the Board all net revenues from the project, except the sale of hydroelectric power, after deduction of operation and maintenance costs, debt service on hydroelectric bonds, and other items, as well as other net revenues realized from the Authority's other activities in the Sabine River Basin. Obviously, any additional operating expenses, such as fees for the use of federal lands inundated by Toledo Bend Reservoir, reduce the Authority's ability to carry out the provisions of this agreement. Consequently, not only the Sabine River Authority but also the State of Texas has a very real interest in this proposed legislation.

Whatever assistance you may be able to offer toward passage of H.R. 3150 will be greatly appreciated. If additional information is needed, please do not hesitate to advise.

Sincerely yours,

CHARLES E. NEMIR,
Executive Director.

STATEMENT OF H. DAVID SMITH, JR., CHAIRMAN'S REPRESENTATIVE

SABINE RIVER AUTHORITY, STATE OF LOUISIANA

Members of the Committee:

I am H. David Smith, Jr. and have been delegated by the Chairman (see letter attached, Exhibit No. 1) to represent the Sabine River Authority, State of Louisiana during Congressional consideration of the legislation to transfer certain National Forest Service lands located on the Texas side of the Toledo Bend Reservoir to the Sabine River Authority of Texas.

On behalf of the Sabine River Authority, State of Louisiana, and speaking for Governor Edwards, we urge your favorable consideration of S. 1754 in an amended form. The proposed legislation, if enacted would transfer some 34,000 acres of submerged National Forest Service lands to the Sabine River Authority of Texas, thus freeing the states of Louisiana and Texas from the annual land rental fees levied by the Federal Energy Regulatory Commission (FERC). Our fear that if a federal demand or ultimatum is issued to the Authorities to make payment of the accumulated land rental fees which began in 1970, the Authorities of Louisiana and Texas would be unable to pay. A most likely alternative would be for the Federal Energy Regulatory Commission to revoke our license and place the Toledo Bend Reservoir's operation and maintenance in a federal role, thus making this property a federal liability. The escalating rental fees have increased to the point that the rental fees for 1983 are expected to be over $440,000.00 which exceeds the overall cost of operation and maintenance of the Toledo Bend Reservoir.

Initially, S. 1754 was drafted with a view in mind to transfer the submerged National Forest Service lands to the Sabine River Authority to Texas without compensation. Through communications with National Forest Service and specifically the letter of response by Secretary Block (see attached, Exhibit No. 2), Texas and Louisiana proposed a compromised amendment (see attached, Exhibit No. 3) in order to fully compensate the National Forest Service for its lands. This compensation would take the form of:

1. $10.00 per acre cash;
2. The enhanced value of 260 miles of National Forest Service land which is now water front property;
3. Transfer of certain lands located above the 172 foot MSL to National Forest Service, thus connecting lands not adjoining the reservoir, thereby providing access to the water.

By way of some background information, the Toledo Bend Reservoir project is a major water conservation reservoir including a hydroelectric power plant

constructed, operated and maintained by a bi-state project with equal liabilities between the states of Louisiana and Texas. The dam is located approximately 65 miles downstream from the junction of the Louisiana-Texas state line and Sabine River. The reservoir contains some 182,000 acres, has a 72 foot high earthen dam, concrete spillway and power house. The power generation capacity amounts to 95,000 KVA and is the largest hydroelectric facility ever built in the Deep South.

A brief review of the history of the Toledo Bend Reservoir is important to realize the sequence of considerations and time lapse in attempts to resolve the issue of annual rental payments:

* In 1940-41, the Corps of Engineers concluded that Toledo Bend Reservoir was not economically feasible;
* Local interests, both states, tried unsuccessfully in 1950-51 to reactivate consideration at the Washington Congressional level;
* Sabine River Compact details worked out between Louisiana and Texas, approved by Texas Legislature in 1953, Louisiana Legislature in 1954, and Congress approved the Compact in 1954;
* Funding of total construction costs provided by states of Louisiana and Texas;
* Federal Power Commission issued License No. 2305 on October 14, 1963 for construction of Toledo Bend Reservoir;
* November 5, 1963 the Sabine River Authorities of Louisiana and Texas protested the Federal Power Commission requirement for annual rental charge;
* Power Sales Agreement for Toledo Bend Reservoir Hydroelectric Power Plant program approved by Federal Power Commission on April 6, 1964;
* Reservoir construction completed and reservoir filled in May, 1968 marking the beginning of operation for Toledo Bend Reservoir;
* Subsequent to November, 1963, various considerations have been underway seeking exemption from payment of annual rental fee.

A review of rental fees established shows that the initial rental levy of $84,000 was established beginning in 1970. This charge was repeated each year through 1977 when the annual charge was increased to $287,472 for 1978, and is now estimated to exceed $440,000.00 for 1983. This rental fee is based on the use of some 34,000 acres of Sabine National Forest lands located totally in the state of Texas.

Since the lands in question are located in the state of Texas and according to federal regulations for disbursing such payments, an amount of 37 1/2 percent is to be returned by the Secretary of the Treasury to the state of Texas. Louisiana is required to share equally in the costs and liabilities of Toledo Bend Reservoir, but in this particular case would receive none of the returnable funds and presents a rather complicated and inequitable situation.

We feel it is important for the Committee to realize that less than thirty miles away from Toledo Bend Reservoir is located Sam Rayburn Reservoir which was built by the Corps of Engineers, floods substantial portion of the Angelina National Forest and a rental fee is not required. This is highly inconsistent, especially since considerations are given to the fact that Toledo Bend Reservoir features a hydroelectric generating power plant, helping this nation to meet its energy needs without using the vital resources of gas or oil. In fact, its operation offers no contamination to the air or impairment to water quality and is provided at a non-profit cost. In addition, tremendous benefits are provided to industry, business, job sectors, recreation, advanced economy and to local, state and federal governments. Broad benefits are provided regionally and to the U. S. Government.

It has been reported that suggestions have been made claiming that if favorable action is taken on S. 1754 that it would result in a precedent, opening the door to many, many other similar transfers. This is not true. Toledo Bend Reservoir is exclusively a unique project since:

* All construction costs are non-federal, provided by state sources exclusively;

* The project is sanctioned and monitored by a multi-state river basin compact for equitable apportionment of the water resources;

* Approved and a permit issued by Federal Power Commission;

* Generation of hydroelectric power is a main feature of the project;

* Toledo Bend Reservoir is environmentally sound having no complaints from the environmental community. In fact, its environmental benefits are complimented and accountable;

* Two states equally sharing liabilities, maintenance and operation, no federal responsibility or costs;

* Toledo Bend Reservoir makes possible commercial navigation on Sabine River over a distance of more than sixty miles;

* A fish hatchery operation, again at state costs, providing dynamic benefits to a region of several states;

* This is a conservation project which protects our Nation's natural resources.

National water policy, established by the President and now employed by federal programs, requires state monetary participation. Also, the new water policy further gives priority to projects where the state voluntarily provides "up front" money. The overall objective is to encourage state and local governments to assume leadership and greater responsibility roles in the overall development and construction of water resources programs throughout this country. The Toledo Bend Reservoir of Louisiana and Texas is an opportunity for a demonstration project showing the many benefits of such a process and it would serve

well to encourage other state and local governments to undertake similar activities. This potential demonstration project capability can be achieved only if we have removed the threat of having to pay the annual rental fee.

Therefore, we invite your understanding and favorable consideration of S. 1754 in an amended form. Until we are relieved by virtue of this sale, the overall project will continue to be seriously affected by this unreasonable imposition. We will be pleased to furnish additional detailed information, reports, statements, certified copies, or whatever may be requested by the Committee that is within our ability to provide.

Thank you for your reception of this statement.

Department of Transportation and Development

P. O. BOX 44155 CAPITOL STATION
BATON ROUGE, LA. 70804

Robert G. Graves
Secretary

Edwin W. Edwards
Governor

May 21, 1984

Senator Roger W. Jepsen, Chairman
Subcommittee on Soil & Water Conservation,
Forestry & Environment
120 Senate Russell Office Building
Washington, D. C. 20510

Dear Senator Jepsen:

On May 24, 1984, your subcommittee will consider S. 1754 and I have been advised by Senator J. Bennett Johnston that you have given approval for witnesses from Louisiana and Texas to be heard. We deeply appreciate that opportunity and will do our best to be helpful to your subcommittee.

According to authority granted to me in the State Legislature creating the Sabine River Authority of Louisiana and in my capacity as the Chairman, I am pleased to designate H. David Smith, Jr. to represent me and the Sabine River Authority of Louisiana in congressional considerations of S. 1754. Mr. Smith has extensive experience and knowledge of Toledo Bend Reservoir and has served as Legal Counsel of the Sabine River Authority of Louisiana for the past nine years.

We trust that your subcommittee considerations will be favorable and will be pleased to cooperate in any way that we can to reach that goal.

Yours very truly,

MARTY J. CHABERT, CHAIRMAN
SABINE RIVER AUTHORITY OF LOUISIANA

MJC:dk

xc: Mr. Sam F. Collins, Executive
Vice President and General Manager
Sabine River Authority of Texas

Honorable J. Bennett Johnston
U. S. Senator

EXHIBIT # 1

[EXHIBIT No. 2]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 4, 1984.

Hon. E (KIKA) DE LA GARZA
Chairman, Committee on Agriculture,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 3150, a bill "To direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas approximately thirty-four thousand acres of land within the Sabine National Forest, Texas, to be used for the purposes of the Toledo Bend Project, Louisiana and Texas."

The Department of Agriculture recommends that H.R. 3150 not be enacted unless amended as recommended herein.

H.R. 3150 would direct the Secretary of Agriculture to convey without consideration approximately 34,000 acres of National Forest System land to the Sabine River Authority of Texas. The lands lie within the project boundary of the Toledo Bend Dam and Reservoir and would be used only for the purposes of that project; if used for any other purposes, the land would revert to the United States. The bill provides that all mineral rights would be retained by the United States.

Most of the land that is included in H.R. 3150 lies below the reservoir's conservation pool, or normal level, of 172 feet mean sea level (MSL). However, it also includes some lands to the 175-foot MSL, which equates to the flood pool. Thus, the bill proposes to convey more than lands which are permanently flooded. There is a sizable area of National Forest land between 172 and 175 feet MSL, including portions of five parcels of National Forest recreational lands. Four of these parcels are essentially underdeveloped; the fifth has heavy recreational development on about 40 acres with the potential for development on the remaining 140 acres of that parcel.

The land in question is under license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) by the Federal Energy Regulatory Commission to the Sabine River Authority. The license (number 2305) was issued on October 14, 1963, and expires in 2013. It describes about 35,000 acres of National Forest land. The Authority has not paid any fees for the use of the National Forest because they have successfully argued that they qualify for a waiver of fees under the provisions of section 10(e) of the Federal Power Act.

The bill identifies the land to be conveyed as that shown in exhibit "K" of license number 2305. Our files on this project contain no exhibit "K". In seeking to clarify this, we have learned that the Federal Energy Regulatory Commission issued an order on May 27, 1983, approving a new exhibit "K" to license number 2305. The order is part of an administrative proceeding to revise the project boundary. Among other actions, the order places on proposed new exhibit "K" all of the five parcels mentioned above which had heretofore been indentified as project recreational lands on exhibit "R" (the five parcels total 631 acres).

Neither the National Forest headquarters in Texas, the Regional Office in Atlanta nor the Washington Office of the Forest Service were consulted with or were advised that this proceeding had begun. Accordingly, we requested a stay on the Commission's order on June 23, 1983 and our staff is developing a response to the proposal to revise the project boundary.

It is our view that the bill would convey lands which should be retained by the Forest Service. This includes (1) portions of the five parcels of recreational lands, (2) the strip of land between 172 and 175 feet MSL where this strip is part of additional National Forest lands, and (3) easement or recreational development rights below 172 feet MSL where National Forest lands front the reservoir.

On the other hand, we believe that a revised bill would offer opportunities to clear up some ownership problems and permit more efficient management of the National Forest lands surrounding the reservoir. We suggest that National Forest lands (1) below 172 feet MSL (the submerged lands), (2) that portion of recreational site five which is heavily developed, and (3) certain frontage lands between 172 and 175 feet MSL which were retained by the Forest Service to protect the shoreline when the remainder of the tract was exchanged, be conveyed to the Authority. Such conveyance should be subject to easements and recreational development rights reserved to the United States where such rights are necessary for administration of related National Forest lands. Further, we suggest that conveyance should be either by sale or exchange. Accordingly, we recommend that suitable amendments be

made to the bill to accomplish our suggestions. We would be happy to work with the Committee and the Sabine River Authority in identifying those lands which we believe would be appropriate to convey.

The President has directed, in his Federal Property Review Program, that discounted or no-cost conveyances to States and local government entities be limited and that the Federal Government should receive full compensation for conveyance of Federal lands. Therefore, we recommend that the bill also be amended to require that the Authority pay fair market value for the National Forest lands that would be conveyed by H.R. 3150.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

[EXHIBIT No. 3]

FACT SHEET ON THE TOLEDO BEND PROJECT RELATED TO LEGISLATION CONVEYING SURPLUS NATIONAL FOREST LANDS TO THE SABINE RIVER AUTHORITY OF TEXAS AND PROVIDING FOR EXEMPTION OF FEDERAL LAND USE FEES AND ADMINISTRATIVE CHARGES—H.R. 3150/S. 1754

The Toledo Bend Reservoir is located in Texas and Louisiana on the Sabine River and forms a portion of the boundary between the two States. The reservoir is approximately 65 miles in length and is the largest manmade body of water in the South and fifth largest in the United States, with water normally covering an area of 186,000 acres and having a controlled storage capacity of 4,477,000 acre-feet. The primary purposes of the reservoir are for the development of water supply and hydroelectric power generation.

With the consent of Congress, the States of Texas and Louisiana entered into the Sabine River Compact which provided for the equitable apportionment and comprehensive development of the water resources of the bistate segment of the Sabine River. Under the terms of the compact, the Sabine River Authorities of Texas and Louisiana (the authorities) entered into a contract in 1955 for the financing, construction and operation of the jointly-owned Toledo Bend Reservoir Project. Thus began the complex and tedious work involved in developing the project at the bistate level without Federal funding.

On October 14, 1963, the Federal Power Commission (FPC) issued license No. 2305 to the authorities authorizing construction of the project and utilization through inundation of approximately 34,000 acres of Federal land within the Sabine National Forest. The land use charge for utilization of such lands was to be $84,000 per year (the 1982 land use charge is $442,065.) The $70 million project was then financed through assistance from the two States and through a power sales agreement which provides for the sale of the power output to three investor-owned utility companies. The utility companies pay a fixed amount each year for operation of the project and debt service payments.

The authorities made application to the FPC under the regulations of the Federal Power Act (section 11.24) which provides for an exemption from payment of Federal charges if the power is being sold at no profit. These applications have been submitted for the calendar years 1970–82. After much work and some disappointments, the Federal Energy Regulatory Commission (FERC) granted the authorities' appeal on September 10, 1980, and exemptions were granted for 1971–1978. The FERC has subsequently granted exemptions for 1979–1981. The 1982 exemption request in the amount of $442,065 has been submitted to FERC for approval.

The U.S. Forest Service currently owns some 260 miles of valuable shoreline lands on the Toledo Bend Reservoir. The other lands which were inundated were included in the study performed under the asset management study, the purpose of which was to identify Federal lands which are inefficient to manage or are no longer needed for the purposes they originally served. In a recent letter to Congressman de la Garza, the Department of Agriculture noted that legislation would offer opportunities to clear up some ownership problems and permit more efficient management of the U.S. Forest Service lands surrounding the reservoir. A proposed amendment to H.R. 3150/S. 1754 has been prepared which would achieve the objectives outlined in the Department of Agriculture letter, as well as fulfill the requirements of the authorities.

Attached is a copy of the proposed amendment, the Department of Agriculture letter, and various supporting information for your use. Your assistance toward pas-

sage of this important legislation will be sincerely appreciated. Please advise if you should need any additional information.

A PROPOSED AMENDMENT TO H.R. 3150 AND S. 1754—TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY TO THE SABINE RIVER AUTHORITY OF TEXAS APPROXIMATELY THIRTY-ONE THOUSAND ACRES OF LAND WITHIN THE SABINE NATIONAL FOREST, TEXAS, TO BE USED FOR THE PURPOSE OF THE TOLEDO BEND PROJECT, LOUISIANA AND TEXAS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That no later than the one hundred and eightieth day following the date of enactment of this act, the Secretary of Agriculture shall convey, for a consideration of ten and no/100 ($10.00) dollars per acre, to the Sabine River Authority of Texas. All lands which (1) are owned by the United States within the Sabine National Forest, Texas. (2) lie within the project boundary of the Toledo Bend Dam and Reservoir, Louisiana and Texas. (3) are below elevation 172 mean sea level (MSL) and subject to inundation, and (4) consist of approximately thirty-one thousand acres, being a portion of those lands identified in exhibit "K" of the license issued by the Federal Energy Regulatory Commission for project numbered 2305, known as the Toledo Bend Project, Louisiana and Texas. There shall also be included in the conveyance that portion of recreational site No. 5, consisting of approximately ten (10) acres, which is heavily developed and lies above 175 MSL and not subject to inundation. Such lands are to be conveyed and used only for the purposes of the Toledo Bend Project, if such lands are used for any other purpose. Such conveyance shall provide that such lands shall automatically revert to the ownership of the United States. Such conveyance shall reserve for the United States all of the mineral rights to such lands, and be subject to easements and recreational development rights where such rights are necessary for administration of related national forest lands.

As to the land between the 172 MSL and 175 MSL (flood plains), these lands would be retained by the United States where the national forest lands front the reservoir—however, certain flood plain lands between 172 MSL and 175 MSL where the National Forest Service is no longer the adjacent owner, would be conveyed to the Sabine River Authority of Texas. As part of the consideration for the conveyance of the national forest lands. The Sabine River Authority of Texas would convey to the United States those lands between the 172 MSL and 175 MSL in the flood plain that are not now owned by the National Forest Service and which lie in front of their lands on the shoreline. Hereafter the Toledo Bend Project, Louisiana and Texas, shall be exempt from Federal land use fees and administration charges.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Austin, TX, May 31, 1984.

Senator ROGER W. JEPSEN,
Chairman, Soil and Water Conservation, Forestry and Environment Subcommittee, Senate Agriculture Committee, U.S. Senate, Washington, DC.

DEAR SENATOR JEPSEN: As Governor of Texas, I am pleased to lend my support to the efforts of Senator Lloyd Bentsen, in cooperation with Senator John Tower, to create new wilderness areas in East Texas as proposed in S. 2598, and H.R. 3788 which passed the House May 8, 1984. This legislation has earned the support of the Texas Congressional delegation and the full House, and deserves favorable action by the Senate.

Although not commonly understood, Texas is an urban state. We have very few living reminders of the wilderness to which our ancestors came more than a century and a half ago. Among the federal lands within the state's borders there is currently only one federally designated wilderness, a section of the Guadalupe Mountains National Park in far West Texas.

The federal forest lands of East Texas represent an important natural heritage for all Texans and for the people of the United States. This heritage should be preserved for future generations to enjoy. In acting to preserve these lands for the future, through enactment of the compromise Texas wilderness legislation, I believe the U.S. Senate will achieve a balance between the needs of the public for recre-

ational opportunities in a natural setting, and the need to harvest forest products and to reap the mineral wealth of the land.

Yours truly,

MARK WHITE,
Governor of Texas.

AMERICAN PETROLEUM INSTITUTE,
Washington, DC, June 6, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Agriculture Committee has before it statewide wilderness bills for Tennessee (H.R. 4263), Texas (H.R. 3788), and Pennsylvania (H.R. 5706). Among the important issues the Committee will review when it considers these bills is the matter of "release" language. The Committee's choice of release language will determine how long forest system lands studied for wilderness, but not designated as such by Congress, will be free from further wilderness review and, therefore, available for other uses.

The American Petroleum Institute, on behalf of its 236 member companies and 6500 individual members, many of whom are engaged in the search for petroleum on government lands, urges the Agriculture Committee to amend each of the bills referenced above to provide for permanent release of lands, which after study, have not been designated as units of the National Wilderness Preservation System.

Under the "soft" release language currently included in these bills, wilderness studies on lands not designated as wilderness can begin again in as few as two years, as forest plans reach completion and the forest planning process begins anew. Even under the release compromise reached recently by the Senate Energy and House Interior Committees, these areas will continue under wilderness review and are likely to be managed as wilderness to the exclusion of all other multiple uses. API believes that once these areas have been found inappropriate for designation as wilderness, they should not be subjected to an endless series of studies but rather should now be returned to management under the concept of multiple use.

Language providing for permanent return of these areas to multiple uses other than wilderness will ensure that lands that have been under study for more than a decade will not be studied again unless Congress orders otherwise. Permanent release recognizes the need for greater certainty regarding the future uses of these areas. Moreover, permanent release will make examination of and planning for general recreation, mineral, timber and other values possible. Effective planning for these uses is inhibited by the "soft" release language contained in the House passed Pennsylvania, Tennessee, and Texas wilderness bills.

In addition to release language, the Committee should amend each bill to include three additional concepts:

First, each bill should contain a prohibition against the creation of "buffer zones" around designated wilderness areas. This ensures that no *de facto* expansion of wilderness area onto federal multiple use lands will occur unless Congress creates additional wilderness.

Second, the language regarding valid existing rights should be strengthened to ensure that such rights are not in any way hindered if an area is designated wilderness. We believe this step is necessary because even leases in study areas, not to mention designated wilderness, are becoming difficult to access, let alone explore.

Finally, all lands now under oil and gas lease, or having energy mineral potential, should be removed from consideration for wilderness. These areas should be left open to multiple uses and mineral exploration until their potential has been fully evaluated.

API believes that the incorporation of these concepts, especially that of permanent release language, in the three statewide wilderness bills will help establish a balanced approach to the wilderness process that can be used in other wilderness bills now before both the Senate and the House of Representatives.

Sincerely,

CHARLES J. DIBONA,
President.

TEXAS FORESTRY ASSOCIATION,
Lufkin, TX, May 22, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: The Texas Forestry Association, representing over 2,500 interested Texas citizens, appreciates this opportunity to express its opinion on the pending Texas wilderness legislation.

This Association believes and stongly supports the multiple-use concept of National Forest utilization. Wilderness is deserving of a place in this concept but in and of itself constitutes the most restrictive single-use activity existing. Therefore, the basic question that this hearing must address is the quality of the wilderness area and the quantity of acreage that can reasonably be set aside for this limited use.

Very exhaustive citizen participation seminars have been conducted in the RARE II process relative to the proposed Texas Wilderness. These conferences provide the only combined scientific and citizen input that presents a collective and reasoned viewpoint. Their 8,790-acre recommendation is made up of the following areas: Turkey Hill (3,050 acres), Big Slough (3,040 acres), and Little Lake (2,700 acres).

The Texas Forestry Association membership has supported this proposal throughout the wilderness discussions and reiterated this position at a May 10, 1984 Board Meeting.

We also urge the adoption of a strong "release language" in the bill establishing any wilderness area. This will allow the resumption of a planning process that provides adequate time horizons for a business whose crops are measured in decades rather than months.

Thank you very much for this opportunity to participate in the wilderness selection procedure. We anticipate a speedy resolution to a long-standing controversy.

Very sincerely,

RON HUFFORD.

SPORTSMEN'S CLUBS OF TEXAS, INC.,
Austin, TX, May 23, 1984.

Senator Roger W. Jepsen,
Subcommittee Chairman, Subcommittee on Soil and Water Conservation, Forestry, and Environment, U.S. Senate, Washington, DC.

DEAR SENATOR JEPSEN: Attached please find the testimony I have prepared for this organization as regards your Subcommittee's planned May 24, 1984, hearing on S. 2598 and H.R. 3788.

My members and I regret that a representative will not be able to testify personally. However, I hope you will convey to the other members of the Subcommittee our strong desire for wilderness in East Texas.

We also appreciate your asking for our comments, and the interest you and other Congressmen have shown toward the desires of Texans in this matter.

Sincerely,

ALAN ALLEN,
Executive Director.

STATEMENT OF ALAN ALLEN, EXECUTIVE DIRECTOR, SPORTSMEN'S CLUBS OF TEXAS, AUSTIN, TX

Our statewide, not-for-profit conservation organization of over 36,000 concerned sportsmen is pleased to have been asked by the Subcommittee Chairman to comment on the two bills before you today, S. 2598 and H.R. 3788.

The Sportsmen's Clubs of Texas' (SCOT) members and thousands of Texans already have voiced support for wilderness designation. I would like to reiterate the need for such designations in the national forests of East Texas.

One of the objectives of SCOT is "To encourage maximum development and wise use of the wildlife potentials of public lands and waters." While wilderness may not insure maximum development of all wildlife potentials, it certainly is "wise use" of the national forest lands in question.

That is especially true in view of the diversity of less commonly encountered wildlife species and wildlife habitat, and recreational opportunities wilderness areas scattered throughout East Texas will present to residents and tourists.

Having been born and raised near Lufkin, Texas in Angelina County, I am familiar with the lands, wildlife and people of the area. A majority of those East Texans

who use the outdoors extensively hold a great love for the forests. They abhor the fact that almost no virgin stands of trees of any species now exist. I have spent countless hours roaming and hunting those forests, yet I have never seen a virgin stand of timber.

These two pieces of legislation present little, if any, conflict for landowners or others with commercial interests in the forests. But on the other hand they offer something to the Texans of today that the vast majority of them have never had. They offer something to the Texans of the future that, if you don't help them get, they may never have.

As Congressman Bob Eckhardt put it, while testifying on his similar bill in 1980, "If Texas is ever to have a national forest wilderness system, it is clear that Congress is going to have to start with areas that are less than completely pristine and protect them until they assume an unspoiled wilderness character."

The Sportsmen's Clubs of Texas asks this Subcommittee to help insure that Texans of the future will have an opportunity to know what "an unspoiled wilderness character" is.

Thank you for this opportunity to give the views of SCOT and its membership.

II

98TH CONGRESS
1ST SESSION

S. 1754

To direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas, approximately thirty-four thousand acres of land within the Sabine National Forest, Texas, to be used for the purposes of the Toledo Bend project, Louisiana and Texas.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, AUGUST 1), 1983

Mr. BENTSEN (for himself and Mr. TOWER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas, approximately thirty-four thousand acres of land within the Sabine National Forest, Texas, to be used for the purposes of the Toledo Bend project, Louisiana and Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than the one hundred and eightieth day following the date of enactment of this Act, the Secretary of Agriculture shall convey, without consideration, to the Sabine River Authority of Texas, all lands which (1) are owned by the United States within the Sabine National Forest, Texas,

(2) lie within the project boundary of the Toledo Bend Dam and Reservoir, Louisiana and Texas, (3) are subject to inundation, and (4) consist of approximately thirty-four thousand acres identified in exhibit "K" of the license issued by the Federal Energy Regulatory Commission for project numbered 2305, known as the Toledo Bend project, Louisiana and Texas. Such lands are to be conveyed and used only for the purposes of the Toledo Bend project; if such lands are used for any other purpose, such conveyance shall provide that such lands shall automatically revert to the ownership of the United States. Such conveyance shall reserve for the United States all of the mineral rights to such lands.

○

DEPARTMENT OF AGRICULTURE,
Washington, DC, April 4, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 1754, a bill "To direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas, approximately thirty-four thousand acres of land within the Sabine National Forest, Texas, to be used for the purposes of the Toledo Bend project, Louisiana and Texas."

The Department of Agriculture recommends that S. 1754 not be enacted unless amended as recommended herein.

S. 1754 would direct the Secretary of Agriculture to convey without consideration approximately 34,000 acres of National Forest System land to the Sabine River Authority of Texas. The lands lie within the project boundary of the Toledo Bend Dam and Reservoir and would be used only for the purposes of that project; if used for any other purposes, the land would revert to the United States. The bill provides that all mineral rights would be retained by the United States.

Most of the land that is included in S. 1754 lies below the reservoir's conservation pool, or normal level, of 172 feet mean sea level (MSL). However, it also includes some lands to the 175-foot MSL, which equates to the flood pool. Thus, the bill proposes to convey more than lands which are permanently flooded. There is a sizeable area of National Forest land between 172 and 175 feet MSL, including portions of five parcels of National Forest recreational lands. Four of these parcels are essentially undeveloped; the fifth has heavy recreational development on about 40 acres with the potential for development on the remaining 140 acres of that parcel.

The land in question is under license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) by the Federal Energy Regulatory Commission to the Sabine River Authority. The license (number 2305) was issued on October 14, 1963, and expires in 2013. It describes about 35,000 acres of National Forest land. The Authority has not paid any fees for the use of the National Forest because they have successfully argued that they qualify for a waiver of fees under the provisions of section 10(e) of the Federal Power Act.

The bill identifies the land to be conveyed as that shown in exhibit "K" of license number 2305. Our files on this project contain no exhibit "K." In seeking to clarify this, we have learned that the Federal Energy Regulatory Commission issued an order on May 27, 1983, approving a new exhibit "K" to license number 2305. The order is part of an administrative proceeding to revise the project boundary. Among other actions, the order places on proposed new exhibit "K" all of the five parcels mentioned above which had heretofore been identified as project recreational lands on exhibit "R" (the five parcels total 631 acres).

Neither the National Forest headquarters in Texas, the Regional Office in Atlanta nor the Washington Office of the Forest Service were consulted with or were advised that this proceeding had begun. Accordingly, we requested a stay on the Commission's order on June 23, 1983 and our staff is developing a response to the proposal to revise the project boundary.

It is our view that the bill would convey lands which should be retained by the Forest Service. This includes (1) portions of the five parcels of recreational lands, (2) the strip of land between 172 and 175 feet MSL where this strip is part of additional National Forest lands, and (3) easement or recreational development rights below 172 feet MSL where National Forest lands front the reservoir.

On the other hand, we believe that a revised bill would offer opportunities to clear up some ownership problems and permit more efficient management of the National Forest lands surrounding the reservoir. We suggest that National Forest lands (1) below 172 feet MSL (the submerged lands), (2) that portion of recreational site five which is heavily developed, and (3) certain frontage lands between 172 and 175 feet MSL which were retained by the Forest Service to protect the shoreline when the remainder of the tract was exchanged, be conveyed to the Authority. Such conveyance should be subject to easements and recreational development rights reserved to the United States where such rights are necessary for administration of related National Forest lands. Further, we suggest that conveyance should be either by sale or exchange. Accordingly, we recommend that suitable amendments be made to the bill to accomplish our suggestions. We would be happy to work with the Committee and the Sabine River Authority in identifying those lands which we believe would be appropriate to convey.

The President has directed, in his Federal Property Review Program, that discounted or no-cost conveyances to States and local government entities be limited

and that the Federal Government should receive full compensation for conveyance of Federal lands. Therefore, we recommend that the bill also be amended to require that the Authority pay fair market value for the National Forest lands that would be conveyed by S. 1754.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

II

98TH CONGRESS
2D SESSION

S. 2551

To designate certain areas in the Allegheny National Forest as wilderness and recreation areas.

IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, MARCH 26), 1983

Mr. HEINZ (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To designate certain areas in the Allegheny National Forest as wilderness and recreation areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pennsylvania Wilderness Act of 1984".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) there is an urgent need to identify and protect natural areas to meet the recreational needs of Americans;

(2) certain lands within the Allegheny National Forest in Pennsylvania are worthy of inclusion in the National Wilderness Preservation System; and

(3) certain other lands within the Allegheny National Forest are suitable for designation as a national recreational area.

PURPOSE

SEC. 3. It is the purpose of this Act to—

(1) establish the Allegheny Islands Wilderness and the Hickory Creek Wilderness;

(2) establish the Allegheny National Recreation Area so as to assure the preservation and protection of the area's natural, scenic, scientific, historic, archaeological, ecological, educational, watershed and wildlife values and to provide for the enhancement of recreational opportunities, particularly undeveloped recreational opportunities; and

(3) assure that any mineral exploration and development that takes place within the recreation area is done in an environmentally sound manner.

WILDERNESS DESIGNATION

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136), the following lands in the State of Pennsylvania are hereby designated as

wilderness and therefore as components of the National Wilderness Preservation System:

(1) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately three hundred and sixty-three acres, as generally depicted on a map entitled "Allegheny Islands Wilderness—Proposed", dated March 1984, composed of Crulls Island, Thompsons Island, R. Thompsons Island, Courson Island, King Island, Baker Island, and No Name Island, and which shall be known as the Allegheny Islands Wilderness; and

(2) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately nine thousand four hundred acres as generally depicted on a map entitled "Hickory Creek Wilderness—Proposed", dated March 1984, and which shall be known as the Hickory Creek Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under subsection (a) shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(c) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Pennsylvania with respect to wildlife and fish in Allegheny National Forest in the State of Pennsylvania.

(d)(1) The Secretary is authorized to acquire by purchase, donation, or exchange, with donated or appropriated funds, such lands or interests in lands (including oil, gas, and other mineral interests and scenic easements) within the Hickory Creek Wilderness as he deems necesary to carry out the purposes of this Act. Such lands and interests in lands may be acquired only with the consent of the owner thereof.

(2) Not more than $2,000,000 is authorized to be appropriated for purposes of acquiring, in accordance with subsection (a), lands and interests in lands in the Hickory Creek Wilderness Area.

DESIGNATION OF NATIONAL RECREATIONAL AREA

SEC. 5. In furtherance of the findings and purposes of this Act, certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately twenty-three thousand one hundred acres, as generally depicted on a map entitled "Allegheny National Recreation Area— Proposed", dated March 1984, are hereby designated as the Allegheny National Recreation Area (hereinafter in this Act referred to

as the "national recreation area"). The national recreation area shall be composed of the Allegheny Front, Cornplanter, and Tracy Ridge including the Allegheny Reservoir. Following the acquisition, under any other authority of law, of other lands within the Allegheny National Forest, the Secretary may revise the boundaries of the national recreation area to add such lands to the national recreation area, including at least one thousand two hundred and seventy-two acres in the Allegheny Front area.

ADMINISTRATION OF NATIONAL RECREATION AREA

SEC. 6. (a) Subject to valid existing rights, the national recreation area designated by this Act shall be administered by the Secretary in accordance with this Act and the laws, rules, and regulations applicable to the national forest system in a manner compatible with the following objectives:

(1) minimizing to the extent practicable the environmental impacts of exploration and development of privately owned oil, gas, and other minerals;

(2) maximizing opportunities for recreation including, but not limited to, hunting, fishing, hiking, backpacking, camping, nature study, and the use of boats, both motorized and nonmotorized, on the Allegheny Reservoir;

(3) protection and maintenance of fish and wildlife populations and habitat;

(4) protection of watersheds and the free flowing nature of streams;

(5) protection and maintenance of fish and wildlife populations and habitat; and

(6) conservation of scenic, wilderness, cultural, scientific, educational, and other values contributing to the public benefit.

Subject to valid existing rights, the utilization of natural resources in the recreation area shall be permitted only if consistent with the other provisions of this Act.

(b) To carry out the purposes of this Act, the Secretary shall prepare and publish, and may from time to time amend, a management plan, accompanied by an environmental impact statement and necessary regulations, for the national recreation area designated by this Act. The plan may be prepared in conjunction with, or incorporated with, ongoing planning for the Allegheny National Forest in accordance with the National Forest Management Act of 1976. Such plan and regulations shall include, but not be limited to—

(1) standards and guidelines for the protection and preservation of historic, archaeological, and paleontological resources in the recreation area for the public benefit and knowledge;

(2) provisions to maintain and enhance existing opportunities for recreation on Allegheny Reservoir, including opportunities for motorized and nonmotorized boat use;

(3) provisions to regulate the use of and protect the surface values of the recreation area, including provisions to control the use of motorized and mechanical equipment, and to evaluate alternative surface access routes which minimize damage or alteration of the surface in connection with any authorized activities on such land; and

(4) provisions governing oil, gas, and other mineral exploration and development within the recreation area, including access by road when necessary, and which ensure that—

(A) exploration, development, and transportation of oil, gas, and other mineral resources are not made economically infeasible,

(B) disturbances to the environment are minimized during all phases of exploration and development;

(C) revegetation and restoration of the surface of the land disturbed in performing exploration and development is accomplished as soon as

possible after each phase of exploration and development is completed; and

(D) protection of high surface and groundwater quality.

In preparing the comprehensive management plan, the Secretary shall provide for oral and written public participation and shall consider the views of all interested agencies, organizations, and individuals.

(c) The Secretary shall permit hunting and fishing within the boundaries of the national recreation area designated by this Act in accordance with applicable laws of the United States and the State of Pennsylvania wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this paragraph shall be put into effect only after consultation with the appropriate State fish and game department.

(d)(1) Subject to valid existing rights, the minerals in all Federally owned lands within the national recreation area designated by this Act are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing, and all amendments thereto.

(2) Any special use permit issued by the Secretary for exploration, development, or transportation of oil, gas, or other mineral resources (or for any combination of the foregoing activities) shall require the submission of a plan of operations (including a reclamation plan) which is consistent with the objectives set forth in subsection (a).

MAPS AND DESCRIPTIONS

SEC. 7. (a) As soon as practicable after enactment of this Act, the Secretary shall file the maps referred to in this Act, and legal descriptions of the national recreation area and the wilderness areas designated by this Act, with the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and with the Committee on Agriculture of the United States House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such maps and legal descriptions may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

FOREST SYSTEM PLANNING

SEC. 8. (a) The Congress hereby determines and directs that, without passing on the question of the legal and factual

sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Pennsylvania, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Pennsylvania.

(b) The Congress does not intend that the designation of a wilderness area under this Act lead to the creation of protective perimeters or buffer zones around such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not preclude such activities or uses up to the boundary of the wilderness area.

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DEPARTMENT OF AGRICULTURE,
Washington, DC, June 1, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 2551, a bill "To designate certain areas in the Allegheny National Forest as wilderness and recreation areas."

The Department of Agriculture recommends that the bill be enacted if amended as suggested herein.

S. 2551 would establish two wildernesses—the Allegheny Islands Wilderness and the Hickory Creek Wilderness, totaling approximately 9,700 acres. The bill would also establish a 23,100-acre Allegheny National Recreation Area (NRA). An appropriation authorization of $2 million for acquisition of lands and interest in lands is provided for the proposed Hickory Creek Wilderness.

The Allegheny Islands were recommended for wilderness designation in the RARE II Final Environmental Impact Statement which was issued in 1979. This area comprises approximately 360 acres scattered among seven islands on the Allegheny River. The Department supports designation of the Allegheny Islands as wilderness.

The 9,340-acre Hickory Creek area was identified for further planning during the RARE II process. We are currently studying the wilderness suitability of this area as part of the Forest planning process. A major question in the area is how to deal with outstanding private oil and gas interests.

We would prefer to complete Forest planning before making recommendations on wilderness suitability of Hickory Creek. However, for the following reasons, we do not object to its designation as wilderness. There is presently no designated wilderness in Pennsylvania, and this is the most appropriate area to designate in terms of wilderness and other resource values. In addition, we have specific appraisal data to support the authorization figure in the bill, and the costs are relatively modest.

The bill authorizes purchase of interests in lands in Hickory Creek including oil, gas, and other mineral interests. Hickory Creek is small, and likely oil and gas development on Hickory Creek would impact the area in a manner which would be inconsistent with its wilderness designation. While the Administration generally does not support purchase of mineral interests, it would be essential to acquire the mineral interests on Hickory Creek and Allegheny Islands if they are designated for wilderness. It is our understanding that the Western Pennsylvania Conservancy has an option to purchase the mineral interests for the majority of the Hickory Creek area with the objective of selling them to the United States. We would support acquisition of these interests subject to overall budget authorities and appropriation action. An appraisal has been completed. Indications are that the purchase authorization in the bill would be adequate for purchase of the mineral interests in both Hickory Creek and Allegheny Islands.

We oppose establishment of the NRA proposed in S. 2551. The NRA would include the Cornplanter, Allegheny Front, and Tracy Ridge areas studied in the RARE II process as well as the northern portion of the Allegheny Reservoir (filled in 1964 by Corps of Engineers for flood control) for a total of 23,100 acres. The NRA would be in two sections approximately 15 miles apart. Very little of the mineral estate in the proposed NRA is in United States ownership, and all activities in the NRA are subject to valid existing rights.

We understand that the proposal for a NRA was a result of trying to blend the needs for economical oil and gas development with the desire for specific types of recreation uses. This is basically how the area is currently being managed and will likely be managed in the future. We would prefer to accomplish this blending of recreation use and mineral development through the Forest planning process which provides for extensive public participation. An NRA divided into two segments would be difficult to administer and confusing to the public. Establishing an NRA creates a public presumption that commodity resources will not be developed and that much more intensive and costly recreation development will occur than is likely. Thus, we strongly recommend that the proposal for the NRA be deleted from the bill.

We recommend the new Senate-House compromise release language be added to this bill.

We estimate that the $2 million authorization would be needed to acquire lands and interests in lands in the Hickory Creek and Allegheny Islands Wildernesses. We estimate that an additional $100,000 would be needed for surveying, planning, and

related activities for the proposed wilderness and $100,000 for the NRA if it is retained in the bill.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

98TH CONGRESS
2D SESSION

H. R. 5076

IN THE SENATE OF THE UNITED STATES

MAY 2 (legislative day, APRIL 30), 1984
Received; read twice and referred to the Committee on Agriculture, Nutrition and Forestry

AN ACT

To designate certain areas in the Allegheny National Forest as wilderness and recreation areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pennsylvania Wilderness Act of 1984".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) there is an urgent need to identify and protect natural areas to meet the recreational needs of Americans;

(2) certain lands within the Allegheny National Forest in Pennsylvania are worthy of inclusion in the National Wilderness Preservation System; and

(3) certain other lands within the Allegheny National Forest are suitable for designation as a national recreational area.

PURPOSE

SEC. 3. It is the purpose of this Act to—

(1) establish the Allegheny Islands Wilderness and the Hickory Creek Wilderness;

(2) establish the Allegheny National Recreation Area so as to assure the preservation and protection of the area's natural, scenic, scientific, historic, archaeological, ecological, educational, watershed and wildlife values and to provide for the enhancement of recreational opportunities, particularly undeveloped recreational opportunities; and

(3) assure that any mineral exploration and development that takes place within the recreation area is done in an environmentally sound manner.

WILDERNESS DESIGNATION

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136), the following lands in the State of Pennsylvania are hereby designated as

wilderness and therefore as components of the National Wilderness Preservation System:

(1) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately three hundred and sixty-eight acres, as generally depicted on a map entitled "Allegheny Islands Wilderness—Proposed", dated March 1984, composed of Crulls Island, Thompsons Island, R. Thompsons Island, Courson Island, King Island, Baker Island, and No Name Island, and which shall be known as the Allegheny Islands Wilderness; and

(2) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately nine thousand three hundred and thirty-seven acres as generally depicted on a map entitled "Hickory Creek Wilderness—Proposed", dated March 1984, and which shall be known as the Hickory Creek Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under subsection (a) shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(c) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Pennsylvania with respect to wildlife and fish in Allegheny National Forest in the State of Pennsylvania.

(d)(1) The Secretary is authorized to acquire by purchase, donation, or exchange, with donated or appropriated funds, such lands or interests in lands (including oil, gas, and other mineral interests and scenic easements) within the Hickory Creek Wilderness as he deems necessary to carry out the purposes of this Act. Such lands and interests in lands may be acquired only with the consent of the owner thereof.

(2) Not more than $2,000,000 is authorized to be appropriated for purposes of acquiring, in accordance with subsection (a), lands and interests in lands in the Hickory Creek Wilderness Area.

DESIGNATION OF NATIONAL RECREATIONAL AREA

SEC. 5. In furtherance of the findings and purposes of this Act, certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately twenty-three thousand one hundred acres, as generally depicted on a map entitled "Allegheny National Recreation Area— Proposed", dated March 1984, are hereby designated as the Allegheny National Recreation Area (hereinafer in this Act referred to as the "national recreation area"). Following the acquisition,

under any other authority of law, of lands within or contiguous to the national recreation area, the Secretary may revise the boundaries of the national recreation area to add such acquired lands to the national recreation area.

ADMINISTRATION OF NATIONAL RECREATION AREA

SEC. 6. (a) Subject to valid existing rights, the national recreation area designated by this Act shall be administered by the Secretary in accordance with this Act and the laws, rules, and regulations applicable to the national forest system in a manner compatible with the following objectives:

(1) minimizing to the extent practicable the environmental impacts of exploration and development of privately owned oil, gas, and other minerals;

(2) maximizing opportunities for recreation including, but not limited to, hunting, fishing, hiking, backpacking, camping, nature study, and the use of boats, both motorized and nonmotorized, on the Allegheny Reservoir;

(3) protection and maintenance of fish and wildlife populations and habitat;

(4) protection of watersheds and the free flowing nature of streams; and

(5) conservation of scenic, wilderness, cultural scientific, educational, and other values contributing to the public benefit.

Subject to valid existing rights, the utilization of natural resources in the recreation area shall be permitted only if consistent with the other provisions of this Act.

(b) To carry out the purposes of this Act, the Secretary shall prepare and publish, and may from time to time amend, a management plan, accompanied by an environmental impact statement and necessary regulations, for the national recreation area designated by this Act. The plan may be prepared in conjunction with, or incorporated with, ongoing planning for the Allegheny National Forest in accordance with the National Forest Management Act of 1976. Such plan and regulations shall include, but not be limited to—

(1) standards and guidelines for the protection and preservation of historic, archaeological, and paleontological resources in the recreation area for the public benefit and knowledge;

(2) provisions to maintain and enhance existing opportunities for recreation on Allegheny Reservoir, including opportunities for motorized and nonmotorized boat use;

(3) provisions to regulate the use of and protect the surface values of the recreation area, including provisions to control the use of motorized and mechanical equipment, and to require surface access routes which minimize damage or alteration of the surface in con-

nection with any authorized activities on such land; and

(4) provisions governing oil, gas, and other mineral exploration and development within the recreation area, including access by road when necessary, and which ensure that—

(A) exploration, development, and transportation of oil, gas, and other mineral resources are not made economically infeasible,

(B) disturbances to the environment are minimized during all phases of exploration and development;

(C) revegetation and restoration of the surface of the land disturbed in performing exploration and development is accomplished as soon as possible after each phase of exploration and development is completed; and

(D) surface and ground water quality is fully protected in accordance with all Federal and State laws and regulations.

In preparing the comprehensive management plan, the Secretary shall provide for oral and written public participation and shall consider the views of all interested agencies, organizations, and individuals.

(c) The Secretary shall permit hunting and fishing within the boundaries of the national recreation area designated by this Act in accordance with applicable laws of the United States and the State of Pennsylvania wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this paragraph shall be put into effect only after consultation with the appropriate State fish and game department.

(d)(1) Subject to valid existing rights, the minerals in all Federally owned lands within the national recreation area designated by this Act are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing, and all amendments thereto.

(2) Any special use permit issued by the Secretary for exploration, development, or transportation of oil, gas, or other mineral resources (or for any combination of the foregoing activities) shall require approval by the Secretary of a plan of operations (including a reclamation plan) which is consistent with the objectives set forth in subsection (a).

MAPS AND DESCRIPTIONS

SEC. 7. (a) As soon as practicable after enactment of this Act, the Secretary shall file the maps referred to in this Act, and legal descriptions of the national recreation area and the wilderness areas designated by this Act, with the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Committees on Agriculture, Nutrition and Forestry and Energy and Natural Resources of the United States Senate. Such maps and legal descriptions shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such maps and legal descriptions may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

EFFECT OF RARE II

SEC. 8. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation (RARE II); and

(2) the Congress has made its own review and examination of the national forest system roadless areas in the state of Pennsylvania and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Pennsylvania, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Pennsylvania.

(2) with respect to the national forest system lands in the State of Pennsylvania which were reviewed by the Department of Agriculture in RARE II, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Pennsylvania reviewed in such final environmental statement and not designated as wilderness by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Pennsylvania for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

BUFFER ZONES

SEC. 9. The Congress does not intend that the designation of a wilderness area under this Act lead to the creation of protective perimeters or buffer zones around such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not preclude such activities or uses up to the boundary of the wilderness area.

Passed the House of Representatives May 1, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

98TH CONGRESS
2D SESSION

S. 2590

To designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas and wilderness study areas, and to allow management of certain lands for uses other than wilderness.

IN THE SENATE OF THE UNITED STATES

APRIL 25 (legislative day, APRIL 24), 1984

Mr. BAKER (for himself and Mr. SASSER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas and wilderness study areas, and to allow management of certain lands for uses other than wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tennessee Wilderness Act of 1984".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136), the following lands are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred and two acres, as generally depicted on a map entitled "Big Frog Wilderness (proposed)", dated April 1974, including those areas generally depicted on a map entitled "Big Frog Mountain Wilderness—Citizens Proposal; October 15, 1981" as "Addition A—RARE II Boundaries", and which shall be known as the Big Frog Wilderness.

(2) Certain lands in the Cherokee National Forest, Tennessee, which comprise approximately five hundred and fifty-three acres, as generally depicted on a map entitled "Big Frog Wilderness Addition (proposed)", dated January 1979, and which shall be known as the Big Frog Wilderness Addition.

(3) Certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fifteen thousand seven hundred and thirteen acres, as generally depicted on a map entitled "Citico Creek Wilderness (proposed)", dated April 1974, and which shall be known as the Citico Creek Wilderness.

(4) Certain lands in the Cherokee National Forest, Tennessee, which comprise approximately three thousand eight hundred and eighty-seven acres, as generally depicted on a map entitled "Bald River Gorge Wil-

derness (proposed)", dated January 1979, and which shall be known as the Bald River Gorge Wilderness.

(b) Subject to valid existing rights, each wilderness area designated by subsection (a) shall be administered by the Secretary of Agriculture (in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(c) As soon as practicable after the date of the enactment of this Act, the Secretary shall submit a map and legal description of each wilderness area designated by subsection (a) to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that any clerical or typographical error in such map or legal description may be corrected. The Secretary shall place such map and legal description on file, and make them available for public inspection, in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Subject to valid existing rights, for purposes of applying section 4(d)(3) of the Wilderness Act (16 U.S.C. 1133(d)(3)) to wilderness areas within the Cherokee National

Forest in the State of Tennessee designated by the Congress on or before the date of the enactment of this Act, references in such section to December 31, 1983, and January 1, 1984, shall be deemed to be references to the date of the enactment of this Act.

(b) Subject to valid existing rights, motorized equipment, surface explosives, and shot holes may not be used in the wilderness areas specified in subsection (a) for purposes of exploring for oil, gas, or other minerals.

SEC. 4. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of the national forest system roadless areas in the State of Tennessee and of the environmental and economic impacts associated with alternative allocations of such areas.

(b) Without passing on the legal and factual sufficiency of the RARE II final environmental impact statement (dated January 1979) with respect to national forest system lands in States other than Tennessee, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Tennessee.

(c) National forest system lands in Polk and Monroe Counties of Tennessee not designated as wilderness on or before the date of the enactment of this Act (except those lands within the Little Frog Wilderness proposed as shown on the RARE II map for the State of Tennessee and within the Big Frog Wilderness Addition as shown on a map entitled "Big Frog Mountain Wilderness—Citizens Proposal", dated October 15, 1981)—

(1) shall be deemed for the purposes of the initial land management plans and associated environmental impact statements required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to have been given adequate consideration of their suitability for inclusion in the National Wilderness Preservation System;

(2) shall not be reviewed again by the Secretary for suitability for wilderness designation prior to the scheduled revision of such initial land management plans but in any case not before 1995; and

(3) need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans.

The scheduled revision of the initial plans shall not include interim revisions or amendments of such plans as a result of

insignificant changes in the conditions or demands in the area covered by the plans.

SEC. 4. (a) In furtherness of the purposes of the Wilderness Act, the following lands shall be be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness:

(1) Certain lands in the Cherokee National Forest, Tennessee, which comprises approximately three thousand four hundred fifty-seven acres, as generally depicted on a map entitled "Big Frog Mountain Wilderness—Citizens proposal", dated October 15, 1981, and which shall be known as the "Big Frog Mountain Wilderness Study Area".

(2) Certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand eight hundred acres, generally depicted on the RARE II map for the State of Tennessee entitled "Little Frog Mountain" and which shall be known as the "Little Frog Mountain Wilderness Study Area".

After the review, the Secretary shall submit his report and findings to the President, and the President shall submit his recommendation to the House of Representatives and the Senate.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress deter-

mines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(c) The areas described in subsection (a) are designated as wilderness study areas pursuant to section 2 (d) of the Wilderness Act (16 U.S.C. 1132 (d)).

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DEPARTMENT OF AGRICULTURE,
Washington, DC, July 18, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

Dear Mr. Chairman: As you requested, here is our report on S. 2590, a bill "To designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas and wilderness study areas, and to allow management of certain lands for uses other than wilderness"; and the House Act H.R. 4263, a bill "To designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas, and to allow management of certain lands for uses other than wilderness."

The Department of Agriculture recommends that H.R. 4263, as passed by the House, be enacted rather than S. 2590. The House Act H.R. 4263 resolves a number of technical concerns we have with S. 2590 and H.R. 4263 as originally introduced. The new Senate/House compromise release language should be added in lieu of the present language in the bills.

The House Act H.R. 4263 would designate three new wilderness areas—Bald River Gorge, Citico Creek and Big Frog—totaling approximately 25,000 acres. It would designate two wilderness study areas—Little Frog and Big Frog Addition (Citizen's Proposal). Little Frog would be managed to protect its wilderness values until Congress decides otherwise, and Big Frog Addition (Citizen's Proposal) would be treated similarly to further planning areas.

The Department of Agriculture supports wilderness designation for Bald River Gorge which was recommended as wilderness in the RARE II Final Environmental Impact Statement. The Department can also support wilderness designation of Citico Creek and Big Frog. The 1975 Eastern Wilderness Act established Citico Creek and Big Frog as wilderness study areas. Citico Creek totals 15,700 acres and Big Frog totals 4,502 acres. Adjacent to Big Frog is the original 553-acre Big Frog Addition which is now included as part of the proposed Big Frog Wilderness in H.R. 4263.

Extensive studies and public involvement have been completed on Citico Creek and Big Frog. The original Big Frog Addition is adjacent to the Big Frog study area and was studied at the same time. Enclosed is a supplemental statement and a description of each area. The studies show both to be highly suitable for wilderness with only limited resource values that would be foregone by wilderness designation.

S. 2590 differs from the House-passed version of H.R. 4263 in four provisions. First, S. 2590 would designate the original Big Frog Addition as a separate wilderness. H.R. 4263 would combine it with the Big Frog Wilderness. S. 2590 includes discussion of mineral activities in Section 3. H.R. 4263 does not contain such a provision because those activities were allowed only until December 31, 1983, under the Wilderness Act of 1964. Since that date has passed, this section is now unnecessary. Third, in S. 2590, action by Congress would be required for the Big Frog Addition (Citizen's Proposal), following wilderness study. Fourth, there are differences in the map references between the two bills. On each of these provisions, we favor the House language.

In the case of both bills, we recommend that they be amended to incorporate the new Senate/House compromise release language.

We are concerned that the bills are not statewide and do not resolve RARE II issues on lands in the northern portion of the Cherokee National Forest. We urge that the legislation be expanded to include all areas in the State.

It is estimated that surveying, planning, and related activities necessary to implement this legislation, if amended as we suggest, would be approximately $12,000 annually over the next 5 years.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

Enclosure.

SUPPLEMENTAL DESCRIPTIONS

BIG FROG

Big Frog Mountain is the most prominent feature of Polk County, Tennessee, and is located in the Cherokee National Forest. Big Frog is part of the Blue Ridge Province of the southern Appalachians, and its geography is typical of that area. The

terrain is rugged and steep, and the elevation ranges from 4,224 feet to only 1,480 feet.

Big Frog is a typical southern Appalachian, second growth forest of Virginia pine, upland hardwoods and cove hardwoods. Big Frog Wilderness study area was rated highest of the Cherokee National Forest roadless areas in the Roadless Area Review and Evaluation (RARE II) for wilderness attributes. This high rating reflects Big Frog's generally undisturbed character, continuous vegetative cover, isolation, and rugged, visually appealing terrain.

The likelihood of finding significant minerals in the area is remote. Timber production potential for the area is considered average for this portion of the Cherokee National Forest. The area is used primarily for dispersed types of recreation such as hiking and hunting.

CITICO CREEK

The Citico Creek Wilderness Study Area is in Monroe County, Tennessee, and is within the Cherokee National Forest. The area is part of the Blue Ridge Province, and is in the northern Unicoi Mountains. A long, high ridge on the eastern boundary and three steeply sloped ridges leading west from that main ridge dominate the study area. The terrain is rugged with elevations ranging from 1,400 feet to 4,600 feet. More than 90 percent of the area is slopes exceeding 30 percent.

The area's current vegetative cover is the direct result of human activity over the last 75 years. The dominant influences have been logging and wildfire in the early 1920's. Since then, there have been few human impacts. Forests cover about 99 percent of the area. The vegetation consists of second growth mixed hardwood or pine stands, most in the 40-60-year age brackets. Citico Creek rated above average for wilderness attributes. The area possesses features infrequently found through the surrounding area such as waterfalls and virgin timber. The likelihood of finding significant minerals in the area is remote. Timber production potential for the area varies from above average to average for this portion of the Cherokee National Forest. The area is used primarily for dispersed types of recreation such as hiking and hunting.

II

98TH CONGRESS
2D SESSION

H. R. 4263

IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, APRIL 30), 1984

Received; read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

AN ACT

To designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas, and to allow management of certain lands for uses other than wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tennessee Wilderness Act of 1984".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136), the following lands are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately five thousand and fifty-five acres, as generally depicted on a map entitled "Big Frog Wilderness—Proposed", dated April 1984, and which shall be known as the Big Frog Wilderness;

(2) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately sixteen thousand acres, as generally depicted on a map entitled "Citico Creek Wilderness—Proposed", dated April 1984, and which shall be known as the Citico Creek Wilderness;

(3) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately three thousand eight hundred and eighty-seven acres, as generally depicted on a map entitled "Bald River Gorge Wilderness (proposed)", dated April 1984, and which shall be known as the Bald River Gorge Wilderness.

(b) Subject to valid existing rights, each wilderness area designated by subsection (a) shall be administered by the Secretary of Agriculture (in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, areas, except that any reference in such provisions to the

effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(c) As soon as practicable after the date of the enactment of this Act, the Secretary shall submit a map and legal description of each wilderness area designated by subsection (a) to the Committees on Agriculture, Nutrition and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that any clerical or typographical error in such map or legal description may be corrected. The Secretary shall place such map and legal description on file, and make them available for public inspection, in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness during preparation of the initial land management plan for the Cherokee National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended—

(1) certain lands in the Cherokee National Forest, which comprise approximately four thousand eight hundred acres, as generally depicted on a map entitled

"Little Frog Wilderness Study Area—Proposed", dated April 1984, and which shall be known as the Little Frog Wilderness Study Area;

(2) certain lands in the Cherokee National Forest which comprise approximately three thousand acres, as generally depicted on a map entitled "Big Frog Study Area", dated April 1984.

(b) Subject to valid existing rights, the Little Frog Wilderness Study Area designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

SEC. 4. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in Monroe and Polk Counties, Tennessee, and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands other than in Monroe and Polk Counties, Tennessee, such statement shall not be subject to judicial review with respect to national forest system lands in Monroe and Polk Counties, Tennessee;

(2) with respect to the national forest system land in Monroe and Polk Counties, Tennessee, which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands designated as wilderness or for wilderness study by this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in Monroe and Polk Counties, Tennessee, reviewed in such final environmental statement and not designated as wilderness or for wilderness study by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans.

Passed the House of Representatives May 1, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

98TH CONGRESS
2D SESSION

S. 2598

To designate various areas in the national forests in the State of Texas as components of the Wilderness Preservation System.

IN THE SENATE OF THE UNITED STATES

APRIL 26 (legislative day, APRIL 24), 1984

Mr. BENTSEN (for himself and Mr. TOWER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

A BILL

To designate various areas in the national forests in the State of Texas as components of the Wilderness Preservation System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Texas Wilderness Act of 1984".

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890), the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Angelina National Forest, Texas, which comprise approximately five thousand

four hundred acres, as generally depicted on a map entitled "Turkey Hill Wilderness—Proposed", dated March 1984, and which shall be known as the Turkey Hill Wilderness;

(2) certain lands in the Angelina National Forest, Texas, which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Upland Island Wilderness—Proposed", dated March 1984, and which shall be known as the Upland Island Wilderness;

(3) certain lands in the Davy Crockett National Forest, Texas, which comprise approximately three thousand acres, as generally depicted on a map entitled "Big Slough Wilderness—Proposed", dated March 1984, and which shall be known as the Big Slough Wilderness;

(4) certain lands in the Sabine National Forest, Texas, which comprise approximately ten thousand acres, as generally depicted on a map entitled "Indian Mounds Wilderness—Proposed", dated March 1984, and which shall be known as the Indian Mounds Wilderness; and

(5) certain lands in the Sam Houston National Forest, Texas, which comprise approximately four thousand acres, as generally depicted on a map entitled

"Little Lake Creek Wilderness—Proposed", dated March 1984, and which shall be known as the Little Lake Creek Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of each wilderness area designated by this Act with the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources, United States Senate, and the Committees on Agriculture and Interior and Insular Affairs of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the

effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) The Congress finds that the Indian Mounds and Upland Island Wilderness Areas designated by this Act contain significant amounts of intermingled lands owned by the Temple-Eastex Incorporated and that in order to manage the wilderness in an efficient and effective manner it is in the public interest that these lands be owned by the Federal Government. Accordingly, notwithstanding any other provision of the law, within ninety days of enactment of this Act, the United States through the Secretary of Agriculture is hereby authorized and directed to acquire by exchange from Temple-Eastex Incorporated, subject to the concurrence of said corporation, the lands depicted on a map entitled "Indian Mounds Land Exchange", dated March 1984, consisting of tracts 2264, 2265, 1302, and 2289 and the lands depicted on a map entitled "Upland Island Land Exchange", dated March 1984, and consisting of tract 3191. The lands acquired by the United States under the provisions of this section shall become parts of the Sabine and Angelina National Forests respectively and shall be administered in accordance with the laws, rules, and regulations applicable to the national forests and the National Wilderness Preservation System, as appropriate.

(c) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary of Agriculture shall convey to Temple-Eastex Incorporated the national forest system lands depicted on a map entitled "Indian Mounds Land Exchange—Conveyance to Temple-Eastex", dated March 1984, and consisting of tracts K–La–II, K–La–III, K–La–I, K–2r, S–3, S–2r, and S–2o and the lands depicted on a map entitled "Upland Island Land Exchange—Conveyance to Temple-Eastex" dated March 1984, and consisting of tracts S–13J, S–29I, and S–29–II. The exchange of land authorized by this section shall not include mineral interests.

(d) Upon enactment of this Act, the Secretary of Agriculture shall, for any existing timber sale contracts or portions of sale contracts within the boundaries of the Indian Mounds, Upland Island, and Little Lake Creek Wilderness Areas as designated by this Act, terminate the timber sale contracts without cost to the buyer: *Provided,* That with respect to the portion of the timber sale located in compartment 80 within the proposed Indian Mounds Wilderness and sold to the Saint Regis Paper Company, the Secretary shall upon termination of the contract compensate the buyer by offering to sell the buyer similar timber of approximately equal volumes and values. Such compensatory sale shall be carried out on a negotiated basis.

EFFECT OF RARE II

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in the State of Texas, and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Texas, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Texas;

(2) with respect to the national forest system lands in the State of Texas which were reviewed by the Department of Agriculture in RARE II, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the Na-

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tional Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Texas reviewed in such final environmental statement and not designated as wilderness by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Texas for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

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DEPARTMENT OF AGRICULTURE,
Washington, DC, June 1, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 2598, and on H.R. 3788, as passed by the House on May 8, 1984, bills "To designate various areas in the national forests in the State of Texas as components of the Wilderness Preservation System."

The Department of Agriculture strongly opposes enactment of S. 2598 and H.R. 3788 unless amended as recommended herein. The bills are identical, expect that H.R. 3788 contains the recently developed Senate-House compromise release language in section 5.

S. 2598 and H.R. 3788, each cited as the "Texas Wilderness Act of 1984," would designate five areas on the National Forests in Texas as units of the National Wilderness Preservation System. The five units total 34,400 acres. Upon designation, the wilderness areas would be administered under the provisions of the Wilderness Act (78 Stat. 890). The designations would be subject to valid existing rights. Outstanding mineral rights, primarily for oil and gas development in the form of private ownership and leases, occur on the areas. Pipeline rights-of-way also occur on the areas.

The bills would also direct that an exchange of private lands occurring within the Indian Mounds and Upland Island areas for Federal lands elsewhere on the National Forest be made in order to manage the Wilderness in an efficient and effective manner. This land exchange involves lands owned by the Temple-Eastex Corporation, some of which are outside the proposed wilderness areas. The U.S. would retain the mineral interests on the Federal lands to be exchanged.

The bills would also require the Secretary of Agriculture to terminate timber sales contracts within the boundaries of the Little Lake Creek, Upland Island, and Indian Mounds areas without cost to the buyers. The Secretary would be directed to terminate a contract with the St. Regis Paper Company and compensate this buyer by offering similar timber of equal volume and value.

The final section of the bills would provide for the legal and factual sufficiency of the RARE II Final Environmental Impact Statement in the State of Texas. This section also releases those lands which were reviewed by the Department of Agriculture in RARE II and recommended for uses other than wilderness from further wilderness consideration during the period of the initial National Forest Land Management Plan. S. 2598 contains language in use before the recent Senate-House compromise language was adopted. H.R. 3788 contains the new compromise language. We support the compromise language and recommend that section 5 of the House Act be adopted in lieu of the language now in section 5 of S. 2598.

The acreage of the five areas far exceeds the recommendations of the RARE II. That study, completed in 1979, recommended wilderness designation for three areas, totaling 8,790 acres. These three areas so recommended—Little Lake Creek, Big Slough and Turkey Hill—would also be designated by S. 2598. We would prefer that only these areas be designated as wilderness. The RARE II study recommended that the Indian Mounds area be considered as nonwilderness and the Upland Island area (identified as Graham Creek in RARE II) as further planning. We have concerns with the designation of these latter two areas as wilderness, particularly with regard to roads and other developments which occur within the areas; however, our major concerns are with the provisions of the bills dealing with land exchanges and timber sales. These provisions were added to H.R. 3788 after the Department of Agriculture had presented testimony on the bill and they are the basis for our opposition to the bills.

The land exchange mandated by the bills would require about 2,725 acres of National Forest land to be exchanged for about 2,735 acres of land owned by the Temple-Eastex Corporation. We agree with the desirability of acquiring these lands. Section 5 of the Wilderness Act encourages such exchanges. In fact, we had initiated discussions with the Temple-Eastex Corporation concerning land exchange for some of these tracts before the land exchange provisions were inserted in H.R. 3788. However, this exchange of nearly equal land areas has several objectionable features. We estimate the value of the National Forest land, based on recent comparable land sales in the area, to be as much as $1.6 million more valuable than the private lands. Our estimates of value of the private lands considered their potential for recreation and subdivision development. The difference in value is mainly attributable to the larger volume and better quality of the timber stands on the National Forest lands.

Existing authorities, under which the Forest Service regularly exchanges land with private parties in order to consolidate National Forest holdings, require an equal value transaction, based on fair market value. We strongly recommend, therefore, that the bill be amended to provide that any land exchange be carried out under current statutory authority. This would necessitate a reduction in the amount of National Forest System land to be included in the exchange. The bills require that the land exchange would have to be completed within 90 days, a virtual impossibility due to the time required to complete title searches and perform necessary surveys. These actions would require a minimum of 180 days. Mineral interests would not be a part of the land exchange. Mineral interests should be a part of the exchange, if both parties agree and the mineral values are included in determining the value of the lands exchanged. The limitation excluding minerals from exchange should be deleted from the bills.

The land exchange would appear to convey private lands in excess of that needed to remove the inholding within the proposed wilderness area. Based on the tract numbers specified in the bills, we find that the tracts lie both within and outside the wilderness area. In some tracts, as much as 100 acres of the private land are outside the boundary of the area. The bills should specify that only lands primarily within the proposed areas are to be acquired by exchange.

We enclose a recommended amendment to resolve our concerns with the exchange.

The provision requiring termination of timber sales already under contract in three of the areas would affect four sales. Cutting is underway on one sale; roads have been constructed prior to cutting on another. No action has occurred on the other two. The Department of Agriculture would be required to compensate the buyer of one of these sales with timber elsewhere on the National Forest of approximately equal volume and value. The form of compensation payable for terminating the other three sales is not specified and presumably would be handled under the terms of the timber sale contract. Damages to be paid by the Government under the terms of these contracts would cover purchaser's out-of-pocket expenses incurred in connection with the sale. The sale on which road construction already has occurred has accumulated credits to the purchaser's account totaling $87,534, which would have to be paid to the purchaser. All the purchasers may also be entitled to receiving payment for costs of obtaining replacement timber. Terminating the sales thus will be costly. We believe that the timber sale areas, both those where cutting is underway and where harvesting has not yet begun, should be deleted from the areas to be designated as wilderness. We have provided the Committee with maps with our proposed boundary changes. With these boundary changes the language in section 4(d) should be deleted.

While we support the efforts to establish wilderness in the National Forests in Texas, we cannot accept legislation that contains the land exchange and timber sale termination provisions. Unless these issues can be resolved, we strongly urge that S. 2598 and H.R. 3788 not be enacted.

The costs required to implement the provisions of the bill would be higher than those we normally encounter in wilderness legislation. We estimate that costs of planning, surveying and posting the boundaries, and related activities required to establish the wilderness would be approximately $500,000 over the next 5 years. The extensive boundaries involved in the wilderness areas are a primary reason for these high costs. Administrative costs of completing the land exchanges as set forth in the bill within the time period prescribed would be about $12,000. This estimate recognizes that, because of the limited time allowed, certain activities normally carried out in land exchanges, such as complete surveys, would not be done. If normal exchange procedures were followed, the costs would rise to $84,000. Terminating the timber sales as required by the bills would cost about $257,000. This includes $157,000 for administrative costs of terminating the contracts (including the $87,534 of earned purchaser credit) and locating the replacement timber, and an estimated potential of $100,000 for damages.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

Enclosure.

USDA RECOMMENDED AMENDMENTS—S. 2598/H.R. 3788

1. On page 4, beginning on line 9 following "Accordingly,", delete all that follows through the period on line 12, page 5 and insert "the Secretary of Agriculture is

encouraged to expeditiously acquire by exchange the intermingled lands owned by Temple-Eastex Incorporated. The lands acquired by the United States under the provisions of this section shall become parts of the Sabine and Angelina National Forests respectively and shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System and National Wilderness Preservation System, as appropriate.".

2. Delete subsection (d) of section 4 in its entirety.

3. Delete Section 5 in its entirety and substitute the language contained in the Senate-House compromise on release/sufficiency language.

II

98TH CONGRESS
2D SESSION

H. R. 3788

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, APRIL 30), 1984

Received; read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

AN ACT

To designate various areas as components of the National Wilderness Preservation System in the national forests in the State of Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Texas Wilderness Act of 1984".

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890), the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Angelina National Forest, Texas, which comprise approximately five thousand four hundred acres, as generally depicted on a map entitled "Turkey Hill Wilderness—Proposed", dated March 1984, and which shall be known as the Turkey Hill Wilderness;

(2) certain lands in the Angelina National Forest, Texas, which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Upland Island Wilderness—Proposed", dated March 1984, and which shall be known as the Upland Island Wilderness;

(3) certain lands in the Davy Crockett National Forest, Texas, which comprise approximately three thousand acres, as generally depicted on a map entitled "Big Slough Wilderness—Proposed", dated March 1984, and which shall be known as the Big Slough Wilderness;

(4) certain lands in the Sabine National Forest, Texas, which comprise approximately ten thousand acres, as generally depicted on a map entitled "Indian Mounds Wilderness—Proposed", dated March 1984, and which shall be known as the Indian Mounds Wilderness; and

(5) certain lands in the Sam Houston National Forest, Texas, which comprise approximately four thousand acres, as generally depicted on a map entitled "Little Lake Creek Wilderness—Proposed", dated March 1984, and which shall be known as the Little Lake Creek Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of each wilderness area designated by this Act with the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources, United States Senate, and the Committees on Agriculture and Interior and Insular Affairs of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act

as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) The Congress finds that the Indian Mounds and Upland Island Wilderness Areas designated by this Act contain significant amounts of intermingled lands owned by the Temple-Eastex Incorporated and that in order to manage the wilderness in an efficient and effective manner it is in the public interest that these lands be owned by the Federal Government. Accordingly, notwithstanding any other provision of the law, within ninety days of enactment of this Act, the United States through the Secretary of Agriculture is hereby authorized and directed to acquire by exchange from Temple-Eastex Incorporated, subject to the concurrence of said corporation, the lands depicted on a map entitled "Indian Mounds Land Exchange", dated March 1984, consisting of tracts 2264, 2265, 1302, and 2289 and the lands depicted on a map entitled "Upland Island Land Exchange", dated March 1984, and consisting of tract 3191. The lands acquired by the United States under the provisions of this section shall become parts of the Sabine and Angelina National Forest respectively and shall be administered in accordance with the laws, rules, and regulations applicable to

the national forests and the National Wilderness Preservation System, as appropriate.

(c) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary of Agriculture shall convey to Temple-Eastex Incorporated and the national forest system lands depicted on a map entitled "Indian Mounds Land Exchange—Conveyance to Temple-Eastex", dated March 1984, and consisting of tracts K–La–II, K–La–III, K–La–I, K–2r, S–3, S–2r and S–2o and the lands depicted on a map entitled "Upland Island Land Exchange—Conveyance to Temple-Eastex" dated March 1984, and consisting of tracts S–13–J, S–29–I and S–29–II. The exchange of land authorized by this section shall not include mineral interests.

(d) Upon enactment of this Act, the Secretary of Agriculture shall, for any existing timber sale contracts or portions of sale contracts within the boundaries of the Indian Mounds, Upland Island and Little Creek Wilderness Areas as designated by this Act, terminate the timber sale contracts without cost to the buyer: *Provided,* That with respect to the portion of the timber sale located in compartment 80 within the proposed Indian Mounds Wilderness and sold to the Saint Regis Paper Company, the Secretary shall upon termination of the contract compensate the buyer by offering to sell the buyer similar timber of approximately equal volumes and

values. Such compensatory sale shall be carried out on a negotiated basis.

EFFECT OF RARE II

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Texas and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Texas, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Texas;

(2) with respect to the national forest system lands in the State of Texas which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the

initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Texas reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation

prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Texas are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Texas for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning

Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to national forest system roadless lands in the State of Texas which are less than five thousand acres in size.

Passed the House of Representatives May 8, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

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